

Volume 47, Number 17
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September 1, 2022

SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI REGISTER

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September 1, 2022

Vol. 47 No. 17 Pages 1261–1364

IN THIS ISSUE:

EMERGENCY RULES

Department of Health and Senior Services

Division of Regulation and Licensure1265

EXECUTIVE ORDERS1277

PROPOSED RULES

Department of Conservation

Conservation Commission1281

Department of Natural Resources

State Parks1289

Department of Social Services

MO HealthNet Division1291

Retirement Systems

The Public School Retirement System of Missouri1300

Department of Health and Senior Services

Division of Regulation and Licensure1305

Department of Commerce and Insurance

Public Service Commission1316

ORDERS OF RULEMAKING

Department of Higher Education and Workforce

Development

Commissioner of Higher Education1335

Department of Labor and Industrial Relations

State Board of Mediation1335

Department of Public Safety

Missouri State Highway Patrol1341

Department of Social Services

Missouri Medicaid Audit and Compliance1342

Department of Commerce and Insurance

Missouri Real Estate Commission1342

IN ADDITIONS

Department of Conservation

Conservation Commission1343

Department of Health and Senior Services

Missouri Health Facilities Review Committee1343

DISSOLUTIONS1344

SOURCE GUIDES

RULE CHANGES SINCE UPDATE1353

EMERGENCY RULES IN EFFECT1357

EXECUTIVE ORDERS1358

REGISTER INDEX1359

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
May 2, 2022	June 1, 2022	June 30, 2022	July 30, 2022
May 16, 2022	June 15, 2022	June 30, 2022	July 30, 2022
June 1, 2022	July 1, 2022	July 31, 2022	August 30, 2022
June 15, 2022	July 15, 2022	July 31, 2022	August 30, 2022
July 1, 2022	August 1, 2022	August 31, 2022	September 30, 2022
July 15, 2022	August 15, 2022	August 31, 2022	September 30, 2022
August 1, 2022	September 1, 2022	September 30, 2022	October 30, 2022
August 15, 2022	September 15, 2022	September 30, 2022	October 30, 2022
September 1, 2022	October 3, 2022	October 31, 2022	November 30, 2022
September 15, 2022	October 17, 2022	October 31, 2022	November 30, 2022
October 3, 2022	November 1, 2022	November 30, 2022	December 30, 2022
October 17, 2022	November 15, 2022	November 30, 2022	December 30, 2022
November 1, 2022	December 1, 2022	December 31, 2022	January 30, 2023
November 15, 2022	December 15, 2022	December 31, 2022	January 30, 2023
December 1, 2022	January 3, 2023	January 29, 2023	February 28, 2023
December 15, 2022	January 17, 2023	January 29, 2023	February 28, 2023

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title	CSR	Division	Chapter	Rule
3	<i>Code of</i>	10-	4	.115
Department	<i>State</i>	Agency	General area	Specific area
	<i>Regulations</i>	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 100—Safe Place for Newborns

EMERGENCY RULE

19 CSR 30-100.010 Newborn Safety Incubators

PURPOSE: This rule establishes the specifications governing the installation, maintenance, and oversight of newborn safety incubators.

EMERGENCY STATEMENT: In August of 2021, section 210.950, RSMo, was expanded to allow the Director of the Department of Health and Senior Services to promulgate rules governing the specifications, installation, maintenance, and oversight of newborn safety incubators. Section 210.950, RSMo, had previously allowed parents to be immune from criminal prosecution of specific crimes if a parent relinquishes a child up to forty-five days old, who has not been abused or neglected by the parent, to certain individuals (firefighter or emergency medical technician on duty, hospital employee on duty etc...). This new provision in section 210.0950, RSMo, expanded on parents being able to relinquish a child up to forty-five days old, who has not been abused or neglected by the parent, to a newborn safety incubator. When parents relinquish their newborn to a newborn safety incubator, then the parents' identity will not be revealed. This expanded law encourages parents in Missouri, who are in a state of crisis which requires immediate assistance, to be able to provide for

the safety of their newborn by placing their newborn in a department specified newborn safety incubator without having to provide any identifying information and without being seen. Once placed in the newborn safety incubator an employee of a facility will be alerted of the newborn's arrival through an alarm system. The facility staff will then arrange immediate transportation of the newborn to a hospital. Between 2017 through 2021, the Safe Haven Baby Box program estimates that at least five (5) children in Missouri were reported to be abandoned. This newborn safety incubator program and the anonymity that it provides may encourage other new parents who are in need of immediate assistance to place their newborns in these newborn safety incubators in order to ensure the safety of their newborns. This newborn safety incubator program may also prevent newborns from being abused or neglected because the parents recognize that they are living in a state of crisis which requires intervention and the parents want to ensure the safety of their newborn by placing their newborns in a newborn safety incubator. This emergency rule is necessary to preserve a compelling governmental interest in ensuring the health and safety of newborns in Missouri by providing parents who are in crisis and in need of immediate assistance with an option of placing their newborns in a newborn safety incubator to ensure the health and safety of the newborn without revealing their identity. This emergency rule sets the specifications, installation, maintenance and oversight of newborn safety incubators and provides an approval/inspection process by the department to allow facilities to begin utilizing newborn safety incubators. This emergency rule also ensures that any facility that has a newborn safety incubator is operating the incubator in such a manner that is conducive to the health and safety of the newborn placed in the newborn safety incubator. By providing for an earlier effective date with this emergency rule, facilities can be approved by the department to begin utilizing newborn safety incubators sooner and newborns can be safely placed in newborn safety incubators rather than being abandoned or living in an environment with their parents who are in need of immediate assistance due to crisis situations which may result in the abuse or neglect of the newborn. As a result, the department finds a compelling governmental interest, which requires this emergency action. A proposed rule which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 29, 2022, becomes effective August 12, 2022, and expires on February 23, 2023.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) As used in this rule, the following terms and phrases shall mean:

(A) Department shall mean the Department of Health and Senior Services;

(B) Facility shall mean the entity registered with the Department of Health and Senior Services and approved to utilize an installed newborn safety incubator;

(C) Newborn safety incubator shall mean a medical device used to maintain an optimal environment for the care of a newborn infant; and

(D) Relinquishing parent shall mean the biological parent or person acting on such parent's behalf who leaves a newborn infant in a

newborn safety incubator.

(2) Specifications for a newborn safety incubator.

(A) Each newborn safety incubator shall:

1. Be a medical bassinet in compliance with 21 CFR 880.5145 with the exception of bassinet wheels. The bassinet wheels shall be removed for installation in compliance with (2)(A)2;

2. Have the supporting frame of the medical bassinet physically anchored to a position that aligns the plastic basket or bed portion of the bassinet with the wall directly beneath the access portal door and prevents movement of the unit as a whole; and

3. Provide a safe sleep environment which includes:

A. A firm flat bassinet mattress;

B. A bassinet mattress sheet that fits snugly on a mattress and overlaps the mattress so it cannot be dislodged by pulling on the corner of the sheet; and

C. Is free from any bedding, including pillows, bumpers, and blankets.

(3) Installation of a Newborn Safety Incubator.

(A) Access Portal Door.

1. The newborn safety incubator shall have an access portal door. This access portal door shall only be installed on an exterior wall that ensures anonymity of the relinquishing parent and provides access to an area within the interior of the building. The newborn safety incubator access portal door shall only be installed in a manner within the interior of the building that provides unencumbered access from the exterior of the building through the access portal door for the surrender of the child into the medical bassinet. The access portal door shall have a lock that can lock automatically upon closure by the relinquishing parent after the newborn has been placed in the newborn safety incubator. The placement of the newborn safety incubator access portal door and the medical bassinet within the interior of the building shall provide unencumbered access to the medical bassinet so a facility trained individual can respond to an alarm notification that a child has been surrendered into the newborn safety incubator.

2. The access portal door shall:

A. Lock automatically upon closure;

B. May only be unlocked from the interior of the building;

C. Trigger a series of alarms that, at a minimum, shall include:

(I) An audible alarm triggered to a central location within the facility one (1) minute after the opening of the access portal door; and

(II) An automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm; and

3. The installation of the access portal door shall be completed by a general contractor who shall affirm in the "General Contractor Attestation" form, included herein, that the access portal door and the area where the newborn safety incubator is located meets the requirements of (3)(A) and (3)(B). The general contractor signing the form maintains ultimate responsibility for all work performed in the process of the construction of the access portal door and the area where the newborn safety incubator is located.

(B) Interior of the Building.

1. The interior of the building shall provide a monitored climate controlled environment, including temperature control within the range of sixty-eight to seventy-five degrees.

2. The interior of the building shall provide air circulation that is free from pollutants, exhaust, chemical fumes, and smoke.

3. The interior of the building shall have an Automated External Defibrillator (AED) within close vicinity to the newborn safety incubator.

4. The interior of the building shall have appropriate lighting for relinquishing parents and staff to be able to see the newborn safety incubator and signage. This lighting shall have battery backup in the

event that the electricity is out.

(C) Alarm System.

1. There shall be an alarm system installed in relation to the access portal door and the location where the newborn safety incubator is located that will alert a facility trained individual overseeing the newborn safety incubator that the access portal door has been opened, so that the facility trained individual can then check to see if a newborn has been placed in the newborn safety incubator.

2. The access portal door alarm shall only be capable of being turned off from within the facility once a response is made to the newborn safety incubator.

3. The access portal door alarm shall be:

A. Wired into the existing structure's electrical or telecommunications system;

B. If wired into the structure's existing electrical system:

(I) Be in compliance with the NFPA 70, National Electrical Code (NEC) and NFPA 1, Fire Code if applicable. The NFPA 70, NEC, Revised 2020 and NFPA 1, Fire Code, Revised 2021 are incorporated by reference in this rule as published by the National Fire Protection Agency, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, or can be found at www.nfpa.org. This rule does not incorporate any subsequent amendments or additions;

(II) Be installed by a licensed electrical contractor; and

(III) If the facility has a secondary or back-up power supply, then the alarm system shall be wired into the secondary or back-up power supply to ensure continued operation of the alarm system during outages of the structure's primary power supply. If the facility does not have a secondary or back-up power supply, then the alarm system shall have battery back-up; and

C. Tested following installation to ensure the activation of the audible, 911, and disarming components of the system.

4. The installation of the alarm system shall be completed by either a licensed electrical contractor/electrician if wired into the structure's existing electrical system and the facility's secondary or back-up power supply if applicable or a telecommunications installation professional if wired into the structure's existing telecommunications network. The licensed electrical contractor/electrician or telecommunications installation professional who completes the installation of the alarm system shall affirm in the "Licensed Electrical Contractor/Electrician or Telecommunications Installation Professional Attestation" form, included herein, that the alarm system meets the requirements of (3)(A)2 and (3)(C) in this rule. The licensed electrical contractor/electrician or the telecommunications installation professional who signs the form maintains ultimate responsibility for all work performed in the process of the installation of the alarm system.

(D) Signage.

1. Each location where a newborn safety incubator is installed shall post signage that clearly identifies the newborn safety incubator access portal door and provides both written and pictorial instruction to the relinquishing parents. This written signage shall be in both English, Spanish and any other language that is commonly used in the community. The written and pictorial instruction shall depict how to do the following:

A. Open the access portal door;

B. Place the infant inside the medical bassinet; and

C. Close the access portal door to engage the lock.

2. The written signage shall also provide contact information for the Children's Division at the Missouri Department of Social Services, including the hotline number, in order to direct any questions the relinquishing parents(s) may have regarding the newborn after the newborn is placed in the newborn safety incubator to the Children's Division.

(4) Maintenance/Staff.

(A) Each registered facility shall have a medical contact in order to obtain the required newborn safety incubator. The newborn safety incubator is a prescription device per 21 CFR 880.5145.

(B) Each registered facility shall have at least one individual trained, present and on duty in the facility at all times, twenty four hours (24) a day, seven days a week to take possession of a newborn placed in the newborn safety incubator. Training shall occur before the individual is initially placed on duty with the facility and as needed as issues/problems arise. Training shall consist of compliance with this rule including at least what to do when taking possession of a newborn from a newborn safety incubator; how to care for the newborn before the newborn is transferred to the hospital; who to call for immediate transportation of the newborn to the nearest hospital; how to test the alarm system, how to recognize the alarm, how to silence the alarm, how to check the newborn safety incubator twice a day for debris; how to clean and sanitize the newborn safety incubator; how to access the newborn safety incubator from the interior of the building; how to complete required paperwork; and who to contact if there are any problems related to the relinquishment of a newborn. These staff shall also be current in cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification which includes CPR and AED use specifically for infants. The facility shall complete documentation of the required training and maintain a list of individuals trained to be on duty. The facility shall also complete documentation regarding the individuals on duty each day. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required training, the list of trained individuals and which individuals were on duty shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(C) Upon taking possession of a newborn from a newborn safety incubator facility staff shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197, RSMo.

(D) The facility shall test the alarm system a minimum of once a week to ensure the activation of the audible, 911, and disarming components of the system are properly working. The facility shall complete documentation of this required testing of the alarm system. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required testing shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(E) The facility shall test the access portal door locking system at least once a week to ensure the activation of the automatic locking system. The facility shall complete documentation of this required testing of the access portal door automatic locking system. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required testing shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(F) The newborn safety incubator shall be checked a minimum of twice daily for debris. The facility shall complete documentation of this twice daily check for debris. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required twice daily check for debris shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(G) The newborn safety incubator shall be cleaned at least weekly and after any child surrender. The cleaning of the bassinet shall include:

1. An inspection for breaks in integrity that would impair either cleaning or disinfection/sterilization;
2. Sanitization of the basket or bed portion of the bassinet with an EPA-registered hospital disinfectant (e.g. phenolics) using the label's safety precautions and directions. The surfaces of the bassinet shall be rinsed with water after sanitizing and then dried before being returned to use; and

3. The facility shall complete documentation of this required cleaning and sanitization. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required cleaning and sanitization shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(H) The facility shall keep track of the number of newborns placed into the newborn safety incubator at its facility. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. This documentation shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(5) Oversight.

(A) Prior to utilizing an installed newborn safety incubator, each facility that has a newborn safety incubator installed at a location shall register with the department. This registration shall include:

1. A completed "Newborn Safety Incubator - Location, Contact Information and Attestation of Compliance" registration form, included herein;

2. A completed "General Contractor Attestation" form completed by the general contractor, included herein; and

3. A completed "Licensed Electrical Contractor/Electrician or Telecommunications Installation Professional Attestation" form completed by the licensed electrical contractor/electrician or telecommunications installation professional, included herein.

(B) After receiving a completed registration packet, the department shall complete an inspection of the facility to confirm compliance with this rule. If the department finds any deficiencies during the inspection that do not conform with this rule, the department will provide the facility written notice of all deficiencies. The facility shall send the department a plan of corrections within ten (10) calendar days to demonstrate how the facility has corrected or is planning to correct the deficiencies set forth by the department.

(C) Once all deficiencies have been corrected by the facility and approved by the department, then the facility may begin utilizing the installed newborn safety incubator at the location and area of the facility that was reviewed and approved by the department. If the facility changes the location of the newborn safety incubator, then the facility shall immediately contact the Department within twenty-four (24) hours and shall not use the newborn safety incubator until the department has inspected and approved the new location. Depending on where the newborn safety incubator has been relocated, the facility may need to complete new registration forms set forth in (5)(A).

(D) The department will post the location of approved facilities on its website at www.health.mo.gov.

(E) The facility shall make the department aware of any change(s) in the contact or contact information listed on the "Newborn Safety Incubator- Location, Contact Information and Attestation of Compliance" registration form within ten (10) days of any change(s) occurring by completing a new "Newborn Safety Incubator-Location, Contact Information and Attestation of Compliance" registration form and submitting it to the department.

(F) The facility shall annually complete a "Newborn Safety Incubator-Location, Contact Information and Attestation of Compliance" registration form, included herein, and submit this completed form to the department within thirty (30) days of the anniversary of the initial or previous renewal registration date.

(G) The department may, at any time, request additional information that the department determines to be necessary to assess compliance with the applicable criteria, standards, and requirements established by this rule. The facility shall submit any additional information requested by the department within thirty (30) days of the department's request. The department may require any additional information requested to be submitted in less than thirty (30) days if health or safety is of concern.

(H) Any facility that has a newborn safety incubator registered with the department may choose to voluntarily terminate their registration by doing the following:

1. Removing the newborn safety incubator from use by locking the access portal door and removing all signage for the newborn safety incubator; and

2. Notifying the department within seven (7) days of removing the newborn safety incubator from use so the department can close out the registration and remove the facility's name and location from the department's website.

(I) The department may inspect the facility at any time to determine compliance with the requirements of this rule. If the department finds any deficiencies during the inspection that do not conform with this rule, the department will provide the facility written notice of all deficiencies. The facility shall send the department a written plan of corrections within ten (10) calendar days to demonstrate how the facility has corrected or is planning to correct the deficiencies set forth by the department. The plan of corrections shall include the date and time the facility plans to resume normal operation of the newborn safety incubator and what measures will be taken to mitigate any risk identified by cited deficiencies until the deficiency or deficiencies are corrected. Failure of the facility to be in compliance with the requirements of this rule may result in legal action against the facility by the department.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
**NEWBORN SAFETY INCUBATOR- LOCATION, CONTACT INFORMATION AND
ATTESTATION OF COMPLIANCE**

REGISTRATION OF NEWBORN SAFETY INCUBATORS

There is/are _____ (number) newborn safety incubator/s located at the following location in Missouri:

Name of Facility

Street Address of Facility

City and Zip Code

Please also list the mailing address if it is different from the address above, which may include PO Boxes

Name of Facility

Address of Facility, which may include PO Boxes

City, State, and Zip Code

Please also provide additional contact information:

Name of CEO/COO/Administrator

Email address of CEO/COO/Administrator

Fax number (if applicable)

Phone number of CEO/COO/Administrator

Phone number of facility which can be reached 24 hours a day

ATTESTATION OF COMPLIANCE

I have read and reviewed 19 CSR 30-100.010 and 210.950, RSMo, and agree to ensure compliance with 19 CSR 30-100.010 and 210.950, RSMo. I will make the Department aware of any change(s) in the contact or contact's information listed on this form within ten (10) days of the change(s) occurring. If I change the location of the newborn safety incubator, then I agree to immediately contact the Department within twenty-four (24) hours and to not use the newborn safety incubator until the Department has inspected and approved the new location. I agree to annually complete this form and send it to the Department within thirty (30) days of the anniversary of the initial or previous renewal registration date. In the event that I decide to voluntarily terminate my registration of a newborn safety incubator and stop using the newborn safety incubator, I agree to remove the newborn safety incubator from use by locking the access portal door and removing all signage for the newborn safety incubator. I will also notify the department within seven (7) days of removing the newborn safety incubator from use so the Department can close out the registration and remove the facility's name and location from its website.

SIGNATURE OF COO/CEO/ADMINISTRATOR

DATE

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
**LICENSED ELECTRICAL CONTRACTOR/ELECTRICIAN OR TELECOMMUNICATIONS
INSTALLATION PROFESSIONAL ATTESTATION**

ATTESTATION

This form shall be completed and signed by the licensed electrical contractor/electrician or telecommunications installation professional who completed the installation of the alarm system.

The installation of the alarm system was completed on _____.
DATE

I affirm that the alarm system complies with the following requirements in 19 CSR 30-100.010(3)(A)2 and (3)(C):

1. The alarm system installed in relation to the access portal door and the location where the newborn safety incubator is located will alert a facility trained individual overseeing the newborn safety incubator that the access portal door has been opened.
2. The access portal door alarm is only capable of being turned off from within the facility once a response is made to the newborn safety incubator.
3. The access portal door alarm is wired into the existing structure's: (please check one)
 - ☐ electrical
 - ☐ telecommunications system

If wired into the structure's existing electrical system, then I attest that a licensed electrical contractor installed this wiring and the wiring is in compliance with the NFPA 70, National Electrical Code and NFPA 1, Fire Code (if applicable).

4. The facility (please check one)
 - ☐ does have a secondary power supply
 - ☐ does have a back-up power supply
 - ☐ does not have a secondary or back-up power supply

If the facility has a secondary or back-up power supply, the alarm system was wired into the secondary or back-up power supply by a licensed electrical contractor/electrician to ensure continued operation of the alarm system during outages of the structure's primary power supply.

5. A series of alarms trigger within one (1) minute after opening the access portal door (both an audible alarm triggered to a central location within the facility and an automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm).
6. The audible alarm, automatic call to 911 and the disarming component for the alarm system have been tested and are working appropriately.

By signing this form, I attest that the installation of the access portal door complies with the requirements set forth in 19 CSR 30-100.010(3)(A)2 & (3)(C).

SIGNATURE OF ELECTRICAL CONTRACTOR/ELECTRICIAN OR TELECOMMUNICATIONS INSTALLATION PROFESSIONAL
WHO COMPLETED THE INSTALLATION OF THE ACCESS PORTAL DOOR

DATE

BUSINESS NAME (IF APPLICABLE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

LICENSE NUMBER/JURISDICTION FOR THIS PROJECT (IF APPLICABLE)

PHONE NUMBER AND EMAIL ADDRESS (IF APPLICABLE)

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
GENERAL CONTRACTOR ATTESTATION

This form shall be filled out and signed by the general contractor who completed the installation of the access portal door.

The installation of the access portal door was completed on _____
DATE

I affirm that the access portal door complies with the following requirements in 19 CSR 30-100.010(3)(A) & (B):

1. The newborn safety incubator has an access portal door.
2. The access portal door was installed on an exterior wall and provides access to an area within the interior of the building.
3. There is unencumbered access from the exterior of the building through the access portal door.
4. The access portal door has a lock that can be engaged by the relinquishing parent after the newborn has been placed in the newborn safety incubator. The access portal door locks automatically upon closure. This lock may only be unlocked from the interior of the building.
5. A series of alarms trigger within one (1) minute after opening the access portal door (both an audible alarm triggered to a central location within the facility and an automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm).

By signing this form, I attest that the installation of the access portal door complies with the requirements set forth in 19 CSR 30-100.010(3)(A) & (B).

GENERAL CONTRACTOR'S SIGNATURE

DATE

GENERAL CONTRACTOR'S BUSINESS (IF APPLICABLE)

GENERAL CONTRACTOR'S STREET ADDRESS

GENERAL CONTRACTOR'S CITY, STATE AND ZIP CODE

GENERAL CONTRACTOR'S LICENSE NUMBER/JURISDICTION FOR THIS PROJECT (IF APPLICABLE)

GENERAL CONTRACTOR'S PHONE NUMBER AND EMAIL ADDRESS (IF APPLICABLE)

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov

*AUTHORITY: section 210.950, RSMo Supp. 2021. Emergency rule filed July 29, 2022, effective Aug. 12, 2022, expires Feb. 23, 2023. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

PUBLIC COST: This emergency rule will cost state agencies or political subdivisions six hundred twenty-one thousand fifty dollars (\$621,050) in the time the emergency is effective.

PRIVATE COST: This emergency rule will cost private entities three hundred seven thousand five hundred twenty-five dollars (\$307,525) in the time the emergency is effective.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-100.010 Newborn Safety Incubators.**

Rule Number and Title:	19 CSR 30-100.010 Newborn Safety Incubators
Type of Rulemaking:	Emergency Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
(2) Entities/Facilities with Newborn Safety Incubators	\$615,050 in the aggregate
(1) DHSS Inspector	\$6,000 in the aggregate
TOTAL COSTS =	\$621,050 in the aggregate

III. WORKSHEET

Costs for each entity

Medical bassinet

Medical bassinet, mattress and sheets = \$1750

Signage

Sign to post by the newborn safety incubator = \$500

Room addition or renovation of space for newborn safety incubator

Construction of a room or renovation of space to place the newborn safety incubator including the costs of the general contractor, the access portal door on the exterior wall, locking system for the access portal door, climate controlled environment with a proper air circulation system and lighting including battery backup = \$75,000.

Audible alarm system

Audible alarm system with automatic call capability to 911 if the alarm is not disarmed within one (1) minute, costs for licensed electrical contractor and potentially a telecommunications installation professional to install and wire the alarm system, wiring of electrical access portal door alarm into the existing electrical system, and alarm system wired into secondary backup supply or battery backup = \$15,000.

Staff on duty

One (1) staff X \$15.00 X 24 hours/day X 7 days/week X 30 weeks = \$75,600

Benefits for five staff to rotate 24/7 schedule

\$25,000 benefits X (5) staff for each entity = \$125,000

Paid training to train new and current staff

Paid training to train new and current staff= \$2,000

CPR with AED training

Class to train staff for CPR and AED \$35.00 X five (5) staff = \$175

AED machine

AED machine= \$2,500

Supervisor to train staff, ensure inspections are completed and fill out paperwork

1/8 of supervisor's duties for entity= \$8,000

Maintenance and testing of access portal door and audible alarm system

Maintenance and testing of access portal door and audible alarm system= \$2,000

Total for costs for public entities = \$1750 (medical bassinet) + \$500 (signage) + \$75,000 (room renovation or addition) + \$15,000 (audible alarm system) + \$75,600 (staff on duty) + \$125,000 (benefits) + \$2,000 (paid training to train new and current staff) + \$175 (CPR with AED training) + \$2,500 (AED machine) + \$8,000 (supervisor to train) + \$2,000 (maintenance and testing of access portal door and audible alarm system) = \$307,525 annually X two (2) facilities = \$615,050 annually

Department Inspector

Department inspector 1/8 of current job duties - \$6,000.

IV. ASSUMPTIONS

The Department is estimating a staff of at least five (5) individuals to rotate through a 24/7 schedule. The pay is estimated at the federal minimum wage of \$15.00. The Department is also estimating that a supervisor that already works for the entity/facility will conduct the training with the staff and ensure that inspections and paperwork is completed.

The Department has estimated the construction costs and the set-up of the alarm system in these costs.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-100.010 Newborn Safety Incubators**

Rule Number and Title:	19 CSR 30-30-100.010 Newborn Safety Incubators
Type of Rulemaking:	Emergency Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
(1)	Entity/Facility with Newborn Safety Incubators	\$307,525 annually
	TOTAL COSTS =	\$307,525 annually

III. WORKSHEET

Costs for the entity

Medical bassinet

Medical bassinet, mattress and sheets = \$1750

Signage

Sign to post by the newborn safety incubator = \$500

Room addition or renovation of space for newborn safety incubator

Construction of a room or renovation of space to place the newborn safety incubator including the costs of the general contractor, the access portal door on the exterior wall, locking system for the access portal door, climate controlled environment with a proper air circulation system and lighting including battery backup = \$75,000.

Audible alarm system

Audible alarm system with automatic call capability to 911 if the alarm is not disarmed within one (1) minute, costs for licensed electrical contractor and potentially a telecommunications installation professional to install and wire the alarm system, wiring of electrical access portal door alarm into the existing electrical system, and alarm system wired into secondary backup supply or battery backup = \$15,000.

Staff on duty

One (1) staff X \$15.00 X 24 hours/day X 7 days/week X 30 weeks = \$75,600

Benefits for five staff to rotate 24/7 schedule

\$25,000 benefits X (5) staff for each entity = \$125,000

Paid training to train new and current staff

Paid training to train new and current staff= \$2,000

CPR with AED training

Class to train staff for CPR and AED \$35.00 X five (5) staff = \$175

AED machine

AED machine= \$2,500

Supervisor to train staff, ensure inspections are completed and fill out paperwork

1/8 of supervisor's duties for entity= \$8,000

Maintenance and testing of access portal door and audible alarm system

Maintenance and testing of access portal door and audible alarm system= \$2,000

Total for costs for private entity = \$1750 (medical bassinet) + \$500 (signage) + \$75,000 (room renovation or addition) + \$15,000 (audible alarm system) + \$75,600 (staff on duty) + \$125,000 (benefits) + \$2,000 (paid training to train new and current staff) + \$175 (CPR with AED training) + \$2,500 (AED machine) + \$8,000 (supervisor to train) + \$2,000 (maintenance and testing of access portal door and audible alarm system) = \$307,525 annually

IV. ASSUMPTIONS

The Department is estimating a staff of at least five (5) individuals to rotate through a 24/7 schedule. The pay is estimated at the federal minimum wage of \$15.00. The Department is also estimating that a supervisor that already works for the entity/facility will conduct the training with the staff and ensure that inspections and paperwork is completed.

The Department has estimated the construction costs and the set-up of the alarm system in these costs.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

EXECUTIVE ORDER 22-04

WHEREAS, the negative effects of drought are being experienced in numerous areas across the State of Missouri, including among farmers and agricultural producers; and

WHEREAS, I have been advised by the Director of the Missouri Department of Natural Resources that parts of the State of Missouri are experiencing rapidly escalating drought conditions; and

WHEREAS, the U.S. Drought Monitor indicates all or portions of 53 counties are in severe or extreme drought; and

WHEREAS, temperatures across the State of Missouri are anticipated to exceed record heat levels over the next several days, with little precipitation predicted in the weather forecast; and

WHEREAS, early response to pending drought can greatly reduce negative impacts upon Missouri citizens, farmers, and livestock; and

WHEREAS, state and federal agencies have interdependent roles in identifying and mitigating drought impacts that require prioritized coordination and collaboration; and

WHEREAS, the Missouri Department of Natural Resources, Missouri Department of Agriculture, Missouri Department of Conservation, and Missouri Department of Transportation can work together with federal agencies and stakeholders to ensure availability of resources to those most significantly impacted by drought; and

WHEREAS, the State Water Resources Plan established pursuant to Section 640.415, RSMo, authorized the development of the Missouri Drought Response Plan; and

WHEREAS, the Missouri Drought Response Plan provides for intergovernmental communication, cooperation, and coordination of efforts for drought mitigation.

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby declare a drought alert for the counties of Barry, Barton, Boone, Butler, Camden, Carter, Cedar, Christian, Cole, Cooper, Crawford, Dade, Dallas, Dent, Douglas, Gasconade, Greene, Hickory, Howard, Howell, Iron, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Maries, McDonald, Miller, Mississippi, Moniteau, New Madrid, Newton, Oregon, Ozark, Pemiscot, Pettis, Phelps, Polk, Pulaski, Reynolds, Ripley, Saline, Scott, Shannon, Stoddard, Stone, Taney, Texas, Wayne, Webster, and Wright.

I further direct that, as additional counties enter severe, extreme, or exceptional drought according to the U.S. Drought Monitor, they shall be declared in drought alert.

I order and direct the Director of the Missouri Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee and request that all Missouri and federal agencies participate as needed.

I further direct the Director of the Missouri Department of Natural Resources to promote the use of the Condition Monitoring Observer Reports to better identify statewide drought impacts.

I further direct all state agencies to examine how the State can support affected communities, as well as those communities that may be affected in the future, through temporary suspension of administrative rules, appropriations, or other means of support to mitigate the effects of the drought conditions.

This Executive Order shall be effective immediately and shall remain in effect until December 1, 2022, unless terminated or extended by subsequent order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of July, 2022.

A handwritten signature in black ink, reading 'Michael L. Parson', written over a horizontal line.

MICHAEL L. PARSON
GOVERNOR

ATTEST:

A handwritten signature in black ink, reading 'John R. Ashcroft', written over a horizontal line.

JOHN R. ASHCROFT
SECRETARY OF STATE

**EXECUTIVE ORDER
22-05**

WHEREAS, I have been advised by the State Emergency Management Agency that the ongoing and forecast severe storm systems have caused, or have the potential to cause, damages associated with high winds, hail, heavy rains, flooding, and flash flooding impacting communities throughout the State of Missouri; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of the severe weather and flooding event starting on July 25, 2022 and continuing; and

WHEREAS, the severe storm systems beginning on July 25, 2022 and continuing have the potential to create a condition of distress and hazard to the safety, welfare, and property of the people of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the people of Missouri are concerned; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, invoking the provisions of Sections 44.100 and 44.110, RSMo, is required to ensure the protection of the safety and welfare of the people of Missouri.

NOW, THEREFORE, I, MICHAEL L. KEHOE, ACTING GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri and direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on August 26, 2022, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 26th day of July, 2022.



ATTEST:

A handwritten signature in black ink, appearing to read "Michael L. Kehoe", written over a horizontal line.

MICHAEL L. KEHOE
ACTING GOVERNOR

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written over a horizontal line.

JOHN R. ASHCROFT
SECRETARY OF STATE

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

on the area map or the online conservation atlas. Portions of these designated areas may be open to other activities by posting.

(A) From October 15 – February 15:

1. Coon Island Conservation Area;
2. Duck Creek Conservation Area;
3. Fountain Grove Conservation Area;
4. Four Rivers Conservation Area (August A. Busch Jr. Memorial Wetlands);
5. Grand Pass Conservation Area;
6. Montrose Conservation Area;
7. Otter Slough Conservation Area (Waterfowl Hunt Zone 1);

and

8. Schell-Osage Conservation Area.

(C) From November 1 through the end of the last segment of the appropriate zone's Canada goose season:

1. Little River Conservation Area; and
2. Ten Mile Pond Conservation Area (Waterfowl Hunt Zone 1).

(D) From November 15 through the end of the last segment of the appropriate zone's Canada goose season on Ten Mile Pond Conservation Area (Waterfowl Hunt Zone 2).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.115 Closings. The commission proposes to amend paragraphs (6)(A)7. and (6)(C)2. of this rule and add a new subsection (6)(D).

PURPOSE: The proposed amendment corrects the omission of a word and establishes closings on Ten Mile Pond Conservation Area to public use for waterfowl hunting.

(6) On the following department areas, portions designated as Waterfowl Hunting Only Zone are closed to all public use except waterfowl hunting, according to the dates listed below, and as shown

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.184 Quail Hunting. The commission proposes to remove sections (2) and (3), and renumber the subsequent section of this rule.

PURPOSE: The proposed amendment removes quail hunting restrictions on Whetstone Creek Conservation Area and Cover (Dan and Maureen) Prairie Conservation Area.

[(2) On Whetstone Creek Conservation Area quail hunting is permitted only through December 15.

(3) On Cover (Dan and Maureen) Prairie Conservation Area quail hunting is permitted only by holders of the prescribed hunting permit who have been selected to participate in the area's managed quail hunts.]

~~[(4)](2)~~ Quail hunting is prohibited on the following department areas:

- (A) Busch (August A.) Memorial Conservation Area; **and**
- (B) Reed (James A.) Memorial Wildlife Area.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Oct. 10, 2008, effective April 30, 2009. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 29, 2022.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

~~[(R)](X)~~ Weldon Spring Conservation Area;
~~[(S)](Y)~~ Whetstone Creek Conservation Area; **and**
~~[(T)](Z)~~ White (William G. and Erma Parke) Conservation Area.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Material covered in this rule previously filed as 3 CSR 10-11.180. Original rule filed Sept. 12, 2011, effective March 1, 2012. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 29, 2022.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately nine thousand one hundred fifty-seven dollars and twenty cents (\$9,157.20) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.185 Dove Hunting. The commission proposes to add subsections (3)(B), (3)(E), (3)(H), (3)(S), (3)(T), and (3)(U) and reletter the subsequent subsections of this rule.

PURPOSE: The proposed amendment prohibits the use of lead shot on Blue Spring Branch Conservation Area, Capps Creek Conservation Area, Fort Crowder Conservation Area, Shawnee Trail Conservation Area, Sloan (Dr. O.E. and Eloise) Conservation Area, and Stockton Lake Management Lands.

(3) Use or possession of lead shot is prohibited for hunting doves on the following department areas:

- (A) Bilby Ranch Lake Conservation Area;
- (B) Blue Spring Branch Conservation Area;**
- ~~[(B)](C)~~ Bois D'Arc Conservation Area;
- ~~[(C)](D)~~ Busch (August A.) Memorial Conservation Area;
- (E) Capps Creek Conservation Area;**
- ~~[(D)](F)~~ Crowley's Ridge Conservation Area;
- ~~[(E)](G)~~ Davisdale Conservation Area;
- (H) Fort Crowder Conservation Area;**
- ~~[(F)](I)~~ Harmony Mission Lake Conservation Area;
- ~~[(G)](J)~~ Lamine River Conservation Area;
- ~~[(H)](K)~~ Logan (William R.) Conservation Area;
- ~~[(I)](L)~~ Maintz Wildlife Preserve;
- ~~[(J)](M)~~ Pacific Palisades Conservation Area;
- ~~[(K)](N)~~ Park (Guy B.) Conservation Area;
- ~~[(L)](O)~~ Peabody Conservation Area;
- ~~[(M)](P)~~ Pony Express Lake Conservation Area;
- ~~[(N)](Q)~~ Reed (James A.) Memorial Wildlife Area;
- ~~[(O)](R)~~ Reform Conservation Area;
- (S) Shawnee Trail Conservation Area;**
- (T) Sloan (Dr. O.E. and Eloise) Conservation Area;**
- (U) Stockton Lake Management Lands;**
- ~~[(P)](V)~~ Talbot (Robert E.) Conservation Area;
- ~~[(Q)](W)~~ Truman Reservoir Management Lands (Bethlehem);

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title: Department of Conservation**
Division Title: Conservation Commission
Chapter Title: 11-Wildlife Code: Special Regulations for Department Areas

Rule Number and Title:	3 CSR 10-11.185 Dove Hunting
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,761	Projected dove hunters on the six conservation areas listed in the proposed amendment.	\$9,157.20/ year Projected costs per year impacting approximately 1,761 dove hunters at the six (6) proposed conservation areas. Each hunter will spend an additional \$5.20 per box during the dove hunting season to use non-toxic shot versus lead shot.

III. WORKSHEET

7,827 (Average number of dove hunters at conservation areas around the state, during the month of September)/ 80 (MDC conservation areas managed for doves) = 97.84 hunters per area in the month of September.

97.84 (hunters per area in the month of September) X 3 (month dove season in Missouri) = 293.52 average number of dove hunters per 80 conservation areas per season.

293.52 (average number of dove hunters per 80 conservation areas per season) X 6 (conservation areas proposed to be included as prohibiting the use of toxic shot) = 1,761 hunters per season to be impacted by the proposed amendment adding six (6) conservation areas prohibiting the use of lead shot.

40% (estimated increase of steel shot over lead shot) X \$13.00/box (approximate price of lead shot size 6 & 7 from Missouri retailers) = \$5.20 increase in price/ box of steel shot over lead shot.

\$5.20 (increase in price/ box of steel shot over lead shot) X 1,761 (hunters per season to be impacted by the proposed amendment adding six (6) conservation areas prohibiting the use of lead shot) = \$9,157.20 (projected costs for non-toxic shot vs. lead shot by hunters on the six (6) proposed conservation areas per season)

IV. ASSUMPTIONS

Conservation areas listed in the proposed rule do not have mandatory check-in for dove hunting, which makes it difficult to get an accurate calculation on the number of hunters utilizing these areas. Less popular conservation areas could accommodate zero to hundreds of dove hunters. Popular conservation areas listed in the proposed rule could have several hundred hunters for the first week and then fewer hunters throughout the remainder of the season. Weather conditions could impact hunter presence, for example during wet years, many of the areas would have no active dove management.

Therefore, the below assumptions have been made:

- 7,827 (Average number of dove hunters at conservation areas around the state, during September)
- 3 (month dove season in Missouri)
- 80 MDC conservation areas managed for doves (MDC public web page)
- 40% (Estimated increase of steel shot over lead shot)
- \$13.00/box (approximate price of lead shot size 6 & 7 from Missouri retailers)
- 6 new conservation areas proposed to be included as prohibiting the use of lead shot (Blue Spring Branch Conservation Area, Capps Creek Conservation Area, Fort Crowder Conservation Area, Shawnee Trail Conservation Area, Sloan (Dr. O.E. and Eloise) Conservation Area, and Stockton Lake Management Lands).

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to add paragraph (2)(B)6. and renumber subsequent paragraphs of this rule.

PURPOSE: The proposed amendment sets a minimum length limit of eighteen inches (18") for black bass on DiSalvo (Carl) Lake (Bismarck Conservation Area).

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Bellefontaine Conservation Area;
2. Lakes 33 and 35 (Busch (August A.) Memorial Conservation Area);
3. Belcher Branch Lake Conservation Area;
4. Combs (Jerry P.) Lake (Little River Conservation Area);
5. Delaney (Robert G.) Lake Conservation Area;
6. **DiSalvo (Carl) Lake (Bismarck Conservation Area);**
7. Hartell (Ronald and Maude) Conservation Area;
8. Happy Holler Lake Conservation Area;
9. Lake Paho Conservation Area; and
10. Port Hudson Lake Conservation Area.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend subsection (2)(EE) and to add subsection (4)(A) and reletter the subsequent subsections in section (4) of this rule.

PURPOSE: The proposed amendment prohibits the use of boats on

St. Joseph (Corby Pond) and prohibits the use of motors on Cape Girardeau (Capaha Park Lake), areas under management agreement with the department in the Community Assistance Program (CAP).

(2) Boats are prohibited on the following areas:
(EE) St. Joseph (**Corby Pond**, Krug Park Lagoon);

(4) Only boats without motors may be used on the following areas:
(A) **Cape Girardeau (Capaha Park Lake);**
/(A)/(B) Columbia (Stephens Park Lake, Twin Lakes); and
/(B)/(C) Sedalia (Clover Dell Park Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to add subsection (8)(A) and reletter the subsequent subsections of this rule.

PURPOSE: The proposed amendment restricts fishing methods to flies, artificial lures, and unscented soft plastic baits from November 1 through January 31 at Cape Girardeau (Capaha Park Lake), an area under management agreement with the department in the Community Assistance Program (CAP).

(8) Only flies, artificial lures, and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

- (A) **Cape Girardeau (Capaha Park Lake);**
- /(A)/(B) Columbia (Cosmo-Bethel Lake);
- /(B)/(C) Farmington (Giessing Lake);
- /(C)/(D) Fulton (Veterans Park Lake);
- /(D)/(E) Hannibal (Huckleberry Lake);
- /(E)/(F) Jackson (Rotary Lake);
- /(F)/(G) Jefferson City (McKay Park Lake);
- /(G)/(H) Jennings (Koeneman Park Lake);
- /(H)/(I) Kirksville (Spur Pond);
- /(I)/(J) Kirkwood (Walker Lake);
- /(J)/(K) Marshall (Lake Minesa);
- /(K)/(L) Mexico (Kiwans Lake);
- /(L)/(M) Missouri Western State University (Everyday Pond);
- /(M)/(N) Overland (Wild Acres Park Lake);
- /(N)/(O) Perry County (Legion Lake 1);

~~/(O)/(P)~~ Sedalia (Liberty Park Pond);
~~/(P)/(Q)~~ Sikeston (Sikeston Recreation Complex Lake);
~~/(Q)/(R)~~ St. Joseph (Krug Park Lagoon);
~~/(R)/(S)~~ St. Louis (Jefferson Lake);
~~/(S)/(T)~~ St. Louis County (Tilles Park Lake); and
~~/(T)/(U)~~ Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
 Division 10—Conservation Commission
 Chapter 12—Wildlife Code: Special Regulations for
 Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to add subsection (2)(AA) and (9)(A) and reletter the subsequent subsections of this rule.

PURPOSE: The proposed amendment restricts the daily limit of black bass to two (2) on St. Joseph (Corby Pond) and establishes a catch and release season for trout on Cape Girardeau (Capaha Park Lake), areas under management agreement with the department in the Community Assistance Program (CAP).

(2) The daily limit for black bass is two (2) on the following lakes:

(AA) St. Joseph (Corby Pond);

~~/(AA)/(BB)~~ St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);

~~/(BB)/(CC)~~ St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);

~~/(CC)/(DD)~~ Union (Union City Lake);

~~/(DD)/(EE)~~ Warrensburg (Lions Lake);

~~/(EE)/(FF)~~ Watkins Mill State Park (Williams Creek Lake);

~~/(FF)/(GG)~~ Wentzville (Community Club Lake, Heartland Lake); and

~~/(GG)/(HH)~~ Windsor (Farrington Park Lake).

(9) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the following lakes and may not be possessed on these waters during this season:

(A) Cape Girardeau (Capaha Park Lake);

~~/(A)/(B)~~ Columbia (Cosmo-Bethel Lake);

~~/(B)/(C)~~ Farmington (Giessing Lake);
~~/(C)/(D)~~ Fulton (Veterans Park Lake);
~~/(D)/(E)~~ Hannibal (Huckleberry Lake);
~~/(E)/(F)~~ Jackson (Rotary Lake);
~~/(F)/(G)~~ Jefferson City (McKay Park Lake);
~~/(G)/(H)~~ Jennings (Koeneman Park Lake);
~~/(H)/(I)~~ Kirksville (Spur Pond);
~~/(I)/(J)~~ Kirkwood (Walker Lake);
~~/(J)/(K)~~ Marshall (Lake Minesa);
~~/(K)/(L)~~ Mexico (Kiwanis Lake);
~~/(L)/(M)~~ Overland (Wild Acres Park Lake);
~~/(M)/(N)~~ Perry County (Legion Lake 1);
~~/(N)/(O)~~ Sedalia (Liberty Park Pond);
~~/(O)/(P)~~ Sikeston (Sikeston Recreation Complex Lake);
~~/(P)/(Q)~~ St. Louis (Jefferson Lake);
~~/(Q)/(R)~~ St. Louis County (Tilles Park Lake); and
~~/(R)/(S)~~ Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately four thousand five hundred fifty-five dollars and eighty-four cents (\$4,555.84) annually.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE
PUBLIC COST

I. Department Title: Title 3 – Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities

Rule Number and Name:	3 CSR 10-12.140 Fishing, Daily and Possession Limits.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$2,776.40/year
City of Cape Girardeau	\$1,779.44/year

III. WORKSHEET

Department of Conservation

Fish Cost (City of Cape Girardeau): 3.2 acres * 400 fish/acre * \$2.71/trout*.50 percent =
\$1,734.40

Mileage (City of Cape Girardeau Delivery): 340 miles * \$1.74/mile = **\$591.60**

Staff Time (Delivery – City of Cape Girardeau: 2 staff*9 hours*\$22.52/hour = **\$405.36**

Staff time for Other Coordination: 1 cities*1 staff * 2 hours*\$22.52/hour = **\$45.04**

MDC/Cape Girardeau Subtotal: **\$2,776.40**

City of Cape Girardeau

Fish Cost: 3.2 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$1,734.40**

Coordination/Administration: 1 staff* 2 hours*\$22.52/hour = **\$45.04**

City of Cape Girardeau Subtotal: **\$1,779.44**

Total of Above: \$ 4,555.84 (Annual Cost)

4. ASSUMPTIONS

- The Department will cover fifty percent (50%) of the purchase cost for trout with Winter Urban Trout Program partners.
- Cities in the Winter Urban Trout Program will cover fifty percent (50%) of the purchase cost for trout.
- The cost per trout is two dollars and seventy-one cents (\$2.71) (Contract Price: Contract #CC211298001).
- Stocking rate is four hundred (400) trout per acre for Winter Urban Trout Program partners (Source: A Plan for Allocation and Stocking Trout in MO (July 2009).

- The Department will provide for the delivery of the trout. All mileage in this assumption is figured from Montauk State Fish Hatchery to the city lake stocking point.
- The MDC operation cost for a fish delivery truck (road tractor – tandem axle) to deliver trout is one dollar and sixty-nine (\$1.74) per mile (Source: MDC Fleet Services FY22).
- Average cost of coldwater hatchery staff time per hour is twenty dollars and forty-two cents (\$22.52) (Source: MDC FY 22 Salary Structure, Salary Range Table, Midpoint of salary range).
- Cape Girardeau (Capaha Park Lake) is three point two (3.2) acres (CAP agreement FY22).
- City staff time for coordination of stocking is estimated at the same hourly rate as MDC staff.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to add paragraph (2)(A)7. and (2)(B)11., and renumber the subsequent paragraphs of each subsection of this rule.

PURPOSE: The proposed amendment establishes a minimum length limit for black bass of fifteen inches (15") on Cape Girardeau (Capaha Park Lake) and eighteen inches (18") on St. Joseph (Corby Pond), areas under management agreement with the department in the Community Assistance Program (CAP).

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake);
 2. Belton (Cleveland Lake);
 3. Bethany (Old Bethany City Reservoir);
 4. Blue Springs (Lake Remembrance);
 5. Butler City Lake;
 6. Cameron (Century Lake, Eagle Lake, Grindstone Lake, Sunrise Lake);
 7. **Cape Girardeau (Capaha Park Lake);**
[7.]/8. Carthage (Kellogg Lake);
[8.]/9. Columbia (Stephens Park Lake);
[9.]/10. Concordia (Edwin A. Pape Lake);
[10.]/11. Confederate Memorial State Historic Site lakes;
[11.]/12. Dexter City Lake;
[12.]/13. East Prairie (K.S. Simpkins Park Pond);
[13.]/14. Farmington (Asher Lake, Hager Lake, Giessing Lake, Thomas Lake);
[14.]/15. Hamilton City Lake;
[15.]/16. Harrison County Lake;
[16.]/17. Higginsville (Higginsville City Lake, Upper Higginsville City Lake);
[17.]/18. Holden City Lake;
[18.]/19. Jackson (Litz Park Lake, Rotary Lake);
[19.]/20. Jackson County (Lake Jacomo, Prairie Lee Lake);
[20.]/21. Jefferson City (McKay Park Lake);
[21.]/22. Kearney (Jesse James Park Lake);
[22.]/23. Keytesville (Maxwell Taylor Park Pond);
[23.]/24. Kirksville (Hazel Creek Lake);
[24.]/25. Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
[25.]/26. Marble Hill (Pellegrino Lake);
[26.]/27. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake);
[27.]/28. Maysville (Willow Brook Lake);
[28.]/29. Mineral Area College (Quarry Pond);
[29.]/30. Odessa (Lake Venita);
[30.]/31. Pershing State Park ponds;
[31.]/32. Potosi (Roger Bilderback Lake);
[32.]/33. Raymore (Johnston Lake);
[33.]/34. Sikeston (Sikeston Recreation Complex Lake);
[34.]/35. Unionville (Lake Mahoney);
[35.]/36. University of Missouri (McCredie Lake);
[36.]/37. Warrensburg (Lions Lake);
[37.]/38. Watkins Mill State Park (Williams Creek Lake); and
[38.]/39. Windsor (Farrington Park Lake).
- (B) Black bass less than eighteen inches (18") total length must be

returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Park Lake, Vlasik Park Lake);
2. Columbia (Twin Lakes);
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Lake);
5. Jennings (Koeneman Park Lake);
6. Kirkwood (Walker Lake);
7. Overland (Wild Acres Park Lake);
8. Sedalia Water Department (Spring Fork Lake);
9. St. Ann (Gendron Lake);
10. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
11. **St. Joseph (Corby Pond);**
[11.]/12. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
[12.]/13. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
[13.]/14. Union (Union City Lake); and
[14.]/15. Wentzville (Community Club Lake, Heartland Lake);

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration

PROPOSED AMENDMENT

10 CSR 90-2.010 Definitions. The Department of Natural Resources, Division of State Parks, is amending section (3).

PURPOSE: This amendment adds a definition of group camp.

(3) Group Camping Definitions.

(A) **Group camp.** A group facility within a state park or historic site that can accommodate organized groups such as non-profit youth groups, school and church groups, families, and weddings. Group camps include features such as a dining hall with a kitchen, sleeping cabins or barracks, restrooms, and showers.

[(A)]/[(B)] **Camp director.** The person from the using group designated as the authority responsible for the entire camping program.

[(B)/(C)] New group. For the purpose of group camping applications, a new group is considered to be any group that did not use the requested group camp in the prior year, requested additional or new camp dates, or failed to respond during the preferred application period.

[(C)/(D)] Group camp swim areas are:

1. A swimming pool, which is an engineered structure whose primary use is for swimming; or
2. Any beach or water facility located on a lake and dedicated solely for use by group campers.

AUTHORITY: section 253.035, RSMo 2016. This version filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed June 10, 1981, effective Sept. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 18, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, Attention: Rule Coordinator, PO Box 176, Jefferson City, MO 65102 or by email to amanda.mckay@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 90—State Parks

Chapter 2—State Parks Administration

PROPOSED AMENDMENT

10 CSR 90-2.030 Camping and Recreational Activities. The Department of Natural Resources, Division of State Parks, is amending sections (5), (9), (11), (13), (16), and (23).

PURPOSE: This amendment updates the changes made to the reservation system. This amendment also includes what is prohibited.

(5) **Campsite Availability. Reservations are accepted for most campsites during a certain portion of the year. Unreserved and nonreservable [C] campsites are available on a ["first-come first-served"] walk-up registration basis [except those which have been reserved under the formal reservation system or as provided for under other regulations. A campsite is considered unavailable and occupied when it has posted a valid camping permit and contains substantial personal property (i.e., dining fly, trailer, tent, licensed vehicle), or a]. A valid camping permit [and an official marker/sign as provided specifically by the state park or historic site. The valid camping permit] documents reservation and takes priority as evidence and first right of occupancy for the standard camping day in the event the campsite is inadvertently occupied by anyone other than the original holder of the camping [permit] reservation.**

(9) **Holding or Reserving a Campsite.**

(B) **Reservable campsites shall not be occupied without a reservation, or directions from the park staff. [Paid-for reservation campsites will be held vacant for the payer until 3:00 p.m. on the last day paid for] A camping reservation may be forfeited if the camper has not arrived and has not made contact with park staff to arrange for late arrival by 3 p.m. on the day after the camper's scheduled arrival date.**

(11) **Campsites Designated for Persons with Disabilities. [A campsite] Campsites designed for persons with disabilities may only be [sold to campers without disabilities when all of the particular types (basic, electric, sewer/electric) of campsite have been sold. A camper without disabilities may occupy the campsite for persons with disabilities for the duration of his/her camping stay on a day-by-day basis if a similar campsite is not available. Should a camper with disabilities arrive prior to 6:00 p.m., the camper without disabilities shall be required to move to a similar campsite if available.] reserved by a party that includes at least one (1) person with a disability. Same-day camping permits for these sites may be issued to parties that do not include a person with a disability when all other campsites of the same type (basic, electric, sewer/electric, sewer/electric/water) have been sold. Such permits will allow the party to occupy the campsite designated for persons with disabilities for the duration of their stay.**

(13) **Special Use Camp Areas.**

(A) **Special use camp areas [are assigned on a "first-come first-served" basis or may be reserved by phone or mail] may be reserved up to twelve (12) months in advance online or by contacting the applicable facility. Priority shall be given to nonprofit, youth organizations, and/or applications based on date of submission if more than one (1) request is received simultaneously.**

(16) **General Camping Rules.**

(A) **The following are prohibited:**

1. Occupying a campsite without a valid camping permit;

[1.]2. Discharging of sewage or treated water, commonly referred to as "grey water," from tents, campers, or recreational vehicles, except at designated locations;

[2.]3. Fires outside of the fire pits, barbecue grills (where provided), and other locations approved by the facility manager;

[3.]4. Leaving a fire unattended;

[4.]5. Hanging of lanterns on trees or shrubs;

[5.]6. Trenching around tent camps for protection against water or wind damage; and

[6.]7. Using electronic insect killing devices.

(23) **Shelter Houses. Open shelters and/or enclosed shelters may be provided in the day use areas of Missouri's state parks and state historic sites.**

(A) **Open and enclosed shelters may be reserved up to twelve (12) months in advance [through the respective park staff] online or by contacting the applicable facility or contracted concessionaire, with full payment being made at time of reservation.**

AUTHORITY: section 253.035, RSMo 2016. This version of rule filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 18, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, Attention: Rule Coordinator, PO Box 176, Jefferson City, MO 65102 or by email to amanda.mckay@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration

PROPOSED AMENDMENT

10 CSR 90-2.050 Organized Group Camps. The Department of Natural Resources, Division of State Parks, is amending section (1) of this rule.

PURPOSE: This amendment updates how to reserve a group camp and the time frame it can be reserved.

(1) Application Procedure.

(B) Any group may apply to reserve a group camp **online or by [requesting an application from the respective facility manager] contacting the applicable facility.**

(C) Applications for reservations may be taken up to *[eleven (11)] twelve (12)* months in advance of the day of arrival. All applications for the next calendar year open season are due by October 16. Those groups applying after that date will be offered remaining dates. The reserving party must also indicate a second and third priority stay period. Rental priorities shall be given to nonprofit, youth organizations, and/or applications with the earliest postmark.

AUTHORITY: section 253.035, RSMo 2016. This version filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 18, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, Attention: Rule Coordinator, PO Box 176, Jefferson City, MO 65102 or by email to amanda.mckay@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation, Reimbursement, and Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.030 [Sanctions] Administrative Actions for Improperly Paid, False, or Fraudulent Claims for MO HealthNet Services. This amendment changes the title of the rule, the purpose, and revises sections (1) through (6).

PURPOSE: This proposed amendment updates, clarifies, and simplifies language in this rule. The language changes reflect the reality that some actions taken under this rule are not due to fraud, but rather to mistakes on the part of the provider or the agency. Claims in these circumstances must still be recouped, but are not necessarily considered “sanctions.” Also, the language regarding which practitioners can bill for certain services needs to be updated. Section (3) (Program Violations) has 44 distinct paragraphs/violations, some of which are not clear or are redundant, and the language updates rectify these issues.

PURPOSE: This rule establishes the basis on which certain claims for MO HealthNet services or merchandise will be determined to be improperly paid, false, or fraudulent and lists the [sanctions which] administrative actions that may be imposed and the method of imposing those [sanctions] actions.

(1) Administration.

(A) The MO HealthNet program shall be administered by the Department of Social Services, MO HealthNet Division. The services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the division and shall be included in the MO HealthNet provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website dss.mo.gov/mhd, [October 1, 2017] **July 20, 2022**. This rule does not incorporate any subsequent amendments or additions.

(2) The following definitions will be used in administering this rule:

(A) “Adequate documentation” means documentation from which services rendered and the amount of reimbursement received by a provider can be readily discerned and verified with reasonable certainty. “Adequate medical records” are records which are of the type and in a form from which symptoms, conditions, diagnosis, treatments, prognosis, and the identity of the patient to which these things relate can be readily discerned and verified with reasonable certainty. *[All] Not all documentation [must be made available at the same site at which the service was rendered.] is considered a medical record. Certain services such as respite, and certain in-home services will not contain all the information that a medical record contains. All documentation must be made available at the same site at which the service was rendered, unless the services were provided in the participant’s home, via a mobile unit, or other circumstance that would require the records be kept at an office location away from the delivery site.* An adequate and complete patient record is a record which is legible, which is made contemporaneously with the delivery of the service, which addresses the patient/client specifics, which include, at a minimum, individualized statements that support the assessment or treatment encounter, and shall include documentation of the following information:

1. First name, last name, and either middle initial or date of birth of the MO HealthNet participant;

2. An accurate, complete, and legible description of each service(s) provided;

3. Name, title, and signature of the MO HealthNet enrolled provider delivering the service. Inpatient hospital services must have signed and dated physician, **physician assistant, nurse practitioner**, or psychologist orders within the patient’s medical record for the admission and for services billed to MO HealthNet. For patients registered on hospital records as outpatient, the patient’s medical record must contain signed and dated physician orders for services billed to MO HealthNet. Services provided by an individual under the direction or supervision are not reimbursed by MO HealthNet. Services provided by a person not enrolled with MO HealthNet are not reimbursed by MO HealthNet;

4. The name of the referring entity, when applicable;

5. The date of service (month/day/year);

6. For those MO HealthNet programs and services that are reimbursed according to the amount of time spent in delivering or rendering a service(s) (except for services American Medical Association Current Procedural Terminology (CPT) procedure codes 99291–99292 and targeted case management services administered through the Department of Mental Health and as specified under 13 CSR 70-91.010 Personal Care Program (4)(A)) the actual begin and end time taken to deliver the service (for example, 4:00–4:30 p.m.) **or for Evaluation and Management (E/M) CPT procedures codes 99202–99215, the total time spent on the service must be documented;**

7. The setting in which the service was rendered;
8. The plan of treatment, evaluation(s), test(s), findings, results, and prescription(s) as necessary. Where a hospital acts as an independent laboratory or independent radiology service for persons considered by the hospital as "nonhospital" patients, the hospital must have a written request or requisition slip ordering the tests or procedures;
9. The need for the service(s) in relationship to the MO HealthNet participant's treatment plan;
10. The MO HealthNet participant's progress toward the goals stated in the treatment plan (progress notes);
11. Long-term care facilities shall be exempt from the seventy-two- (72-) hour documentation requirements rules applying to paragraphs (2)(A)9. and (2)(A)10. However, applicable documentation should be contained and available in the entirety of the medical record; **and**
12. For applicable programs, it is necessary to have adequate invoices, trip tickets/reports, activity log sheets, employee records (excluding health records), and training records of staff; *[and]*
- [13. For targeted case management services administered through the Department of Mental Health, documentation shall include:*
- A. First name, last name, and either middle initial or date of birth of the MO HealthNet participant;*
 - B. An accurate, complete, and legible case note of each service provided;*
 - C. Name of the case manager providing the service;*
 - D. Date the service was provided (month/day/year);*
 - E. Amount of time in minutes/hour(s) spent completing the activity;*
 - F. Setting in which the service was rendered;*
 - G. Individual treatment plan or person centered plan with regular updates;*
 - H. Progress notes;*
 - I. Discharge summaries when applicable; and*
 - J. Other relevant documents referenced in the case note such as letters, forms, quarterly reports, and plans of care;*
- (B) Affiliates means persons having an overt, covert, or conspiratorial relationship so that any one (1) of them directly or indirectly controls or has the power to control another;*
- (C) Closed-end provider agreement means an agreement that is for a specified period of time, not to exceed twelve (12) months, and that must be renewed in order for the provider to continue to participate in the MO HealthNet program;*
- (D) Contemporaneous means at the time the service was performed or within five (5) business days, of the time the service was provided;]*
- (B) "Exclusion" means an individual or entity may not participate in the MO HealthNet program for misconduct ranging from fraud convictions to patient abuse;**
- [(E)](C)* "Federal health care program" means a program as defined in section 1128B(f) of the Social Security Act;**
- [(F)](D)* "Fiscal agent" means an organization under contract to the state MO HealthNet agency for providing any services in the administration of the MO HealthNet program;**
- [(G)](E)* "MO HealthNet agency" or the "agency" *[means]* or the "single state agency" means the Department of Social Services, which is the single state agency charged with administering or supervising the administration of *[a state Medicaid plan]* the MO HealthNet (Medicaid) program in Missouri;**
- [(H)](F)* "Open-end provider agreement" means an agreement that has no specific termination date and continues in force as long as it is agreeable to both parties;**
- [(I)](G)* "Participation" means the ability and authority to provide services or merchandise to eligible MO HealthNet participants and to receive payment from the MO HealthNet program for those ser-**

vices or merchandise;

***[(J)](H)* "Person" means any natural person, company, firm, partnership, unincorporated association, corporation, or other legal entity;**

***[(K)](I)* "Provider" means *[an individual, firm, corporation, pharmacy, hospital, long-term care facility, association, or institution which has a provider agreement to provide services to a participant]* any person, partnership, corporation, not-for-profit corporation, professional corporation, or other business entity that enters into a contract or provider agreement with the department or its divisions for the purpose of providing services to eligible persons, and obtaining from the department or its divisions reimbursement pursuant to *[Chapter]* 208.164, RSMo;**

***[(L)](J)* "Record" means any books, papers, journals, charts, treatment histories, medical histories, tests and laboratory results, photographs, Xrays, and any other recordings of data or information made by or caused to be made by a provider relating in any way to services provided to MO HealthNet participants and payments charged or received. MO HealthNet claim for payment information, appointment books, financial ledgers, financial journals, or any other kind of patient charge without corresponding adequate medical records do not constitute adequate documentation;**

***[(M)](K)* "Supervision" means to direct an employee of the provider in the performance of a covered and allowable service such as under the MO HealthNet dental and nurse midwife programs or a covered and allowable non-psychiatric service under the MO HealthNet physician program. In order to direct the performance of such service, the provider must be in the office where the service is being provided and must be immediately available to give directions in person to the employee actually rendering the service and the adequately documented service must be cosigned by the enrolled billing provider;**

***[(N)](L)* "Suspension from participation" means an exclusion from participation for a specified period of time;**

***[(O)](M)* "Suspension of payments" means placement of payments due a provider in an escrow account;**

***[(P)](N)* "Termination from participation" means the ending of participation in the MO HealthNet program; and**

***[(Q)](O)* "Withholding of payments" means a reduction or adjustment of the amounts paid to a provider on pending and subsequently submitted bills for purposes of offsetting overpayments previously made to the provider.**

(3) Program Violations.

(A) *[Sanctions]* Administrative actions may be imposed by the MO HealthNet agency against a provider for any one (1) or more of the following reasons:

[1. Presenting, or causing to be presented, for payment any false or fraudulent claim for services or merchandise in the course of business related to MO HealthNet;

2. Submitting, or causing to be submitted, false information for the purpose of obtaining greater compensation than that to which the provider is entitled under applicable MO HealthNet program policies or rules, including, but not limited to, the billing or coding of services which results in payments in excess of the fee schedule for the service actually provided or billing or coding of services which results in payments in excess of the provider's charges to the general public for the same services or billing for higher level of service or increased number of units from those actually ordered or performed or both, or altering or falsifying medical records to obtain or verify a greater payment than authorized by a fee schedule or reimbursement plan;

3. Submitting, or causing to be submitted, false information for the purpose of meeting prior authorization requirements or for the purpose of obtaining payments in order to avoid the effect of those changes;

4. *Failing to make available, and disclosing to the MO HealthNet agency or its authorized agents, all records relating to services provided to MO HealthNet participants or records relating to MO HealthNet payments, whether or not the records are commingled with non-Title XIX (Medicaid) records. All records must be kept a minimum of five (5) years from the date of service unless a more specific provider regulation applies. The minimum five- (5-) year retention of records requirement continues to apply in the event of a change of ownership or discontinuing enrollment in MO HealthNet. Services billed to the MO HealthNet agency that are not adequately documented in the patient's medical records or for which there is no record that services were performed shall be considered a violation of this section. Copies of records must be provided upon request of the MO HealthNet agency or its authorized agents, regardless of the media in which they are kept. Failure to make these records available on a timely basis at the same site at which the services were rendered or at the provider's address of record with the MO HealthNet agency, or failure to provide copies as requested, or failure to keep and make available adequate records which adequately document the services and payments shall constitute a violation of this section and shall be a reason for sanction. Failure to send records, which have been requested via mail, within the specified time frame shall constitute a violation of this section and shall be a reason for sanction;*

5. *Failing to provide and maintain quality, necessary, and appropriate services, including adequate staffing for long-term care facility MO HealthNet participants, within accepted medical community standards as adjudged by a body of peers, as set forth in both federal and state statutes or regulations. Failure shall be documented by repeat discrepancies. The discrepancies may be determined by a peer review committee, medical review teams, independent professional review teams, utilization review committees, or by Professional Standards Review Organizations (PSRO). The medical review may be conducted by qualified peers employed by the single state agency;*

6. *Engaging in conduct or performing an act deemed improper or abusive of the MO HealthNet program or continuing the conduct following notification that the conduct should cease. This will include inappropriate or improper actions relating to the management of participants' personal funds or other funds;*

7. *Breaching of the terms of the MO HealthNet provider agreement of any current written and published policies and procedures of the MO HealthNet program (such policies and procedures are contained in provider manuals or bulletins which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, October 1, 2017. This rule does not incorporate any subsequent amendments or additions or fail to comply with the terms of the provider certification on the MO HealthNet claim form;*

8. *Utilizing or abusing the MO HealthNet program as evidenced by a documented pattern of inducing, furnishing, or otherwise causing a participant to receive services or merchandise not otherwise required or requested by the participant, attending physician, or appropriate utilization review team; a documented pattern of performing and billing tests, examinations, patient visits, surgeries, drugs, or merchandise that exceed limits or frequencies determined by the department for like practitioners for which there is no demonstrable need, or for which the provider has created the need through ineffective services or merchandise previously rendered;*

9. *Rebating or accepting a fee or portion of a fee or charge for a MO HealthNet patient referral; or collecting a portion of the service fee from the participant, except this shall not apply to MO HealthNet services for which participants are responsible for payment of a copayment or coinsurance in accordance with 13 CSR 70-4.050 and 13 CSR 70-4.051;*

10. *Violating any provision of the State Medical Assistance Act or any corresponding rule;*

11. *Submitting a false or fraudulent application for provider status which misrepresents material facts. This shall include concealment or misrepresentation of material facts required on any provider agreements or questionnaires submitted by affiliates when the provider knew, or should have known, the contents of the submitted documents;*

12. *Violating any laws, regulations, or code of ethics governing the conduct of occupations or professions or regulated industries. In addition to all other laws which would commonly be understood to govern or regulate the conduct of occupations, professions, or regulated industries, this provision shall include any violations of the civil or criminal laws of the United States, of Missouri, or any other state or territory, where the violation is reasonably related to the provider's qualifications, functions, or duties in any licensed or regulated profession or where an element of the violation is fraud, dishonesty, moral turpitude, or an act of violence;*

13. *Failing to meet standards required by state or federal law for participation (for example, licensure);*

14. *Exclusion from the Medicare program or any other federal health care program;*

15. *Failing to accept MO HealthNet payment as payment in full for covered services or collecting additional payment from a participant or responsible person, except this shall not apply to MO HealthNet services for which participants are responsible for payment of a copayment or coinsurance in accordance with 13 CSR 70-4.050 and 13 CSR 70-4.051;*

16. *Refusing to execute a new provider agreement when requested to do so by the single state agency in order to preserve the single state agency's compliance with federal and state requirements; or failure to execute an agreement within twenty (20) days for compliance purposes;*

17. *Failing to correct deficiencies in provider operations within ten (10) days or date specified after receiving written notice of these deficiencies from the single state agency or within the time frame provided from any other agency having licensing or certification authority;*

18. *Being formally reprimanded or censured by a board of licensure or an association of the provider's peers for unethical, unlawful, or unprofessional conduct; any termination, removal, suspension, revocation, denial, probation, consented surrender, or other disqualification of all or part of any license, permit, certificate, or registration related to the provider's business or profession in Missouri or any other state or territory of the United States;*

19. *Being suspended or terminated from participation in another governmental medical program such as Workers' Compensation, Crippled Children's Services, Rehabilitation Services, Title XX Social Service Block Grant, or Medicare;*

20. *Using fraudulent billing practices arising from billings to third parties for costs of services or merchandise or for negligent practice resulting in death or injury or substandard care to persons including, but not limited to, the provider's patients;*

21. *Failing to repay or make arrangements for the repayment of identified overpayments or otherwise erroneous payments prior to the allowed forty-five (45) days which the provider has to refund the requested amount;*

22. *Billing the MO HealthNet program more than once for the same service when the billings were not caused by the single state agency or its agents;*

23. *Billing the state MO HealthNet program for services not provided prior to the date of billing (prebilling), except in the case of prepaid health plans or pharmacy claims submitted by point-of-service technology; whether or not the pre-billing causes loss or harm to the MO HealthNet program;*

24. *Failing to reverse or credit back to the medical assistance program (MO HealthNet) within thirty (30) days any pharmacy claims submitted to the agency that represent products or services not received by the participant; for example, prescriptions that were returned to stock because they were not picked up;*

25. *Conducting any action resulting in a reduction or depletion of a long-term care facility MO HealthNet participant's personal funds or reserve account, unless specifically authorized in writing by the participant, relative, or responsible person;*

26. *Submitting claims for services not personally rendered by the individually enrolled provider, except for the provisions specified in the MO HealthNet dental, physician, or nurse midwife programs where such claims may be submitted only if the individually enrolled provider directly supervised the person who actually performed the service and the person was employed by the enrolled provider at the time the service was rendered. All claims for psychiatric, psychological counseling, speech therapy, physical therapy, and occupational therapy services may only be billed by the individually enrolled provider who actually performs the service, as supervision is noncovered for these services. Services performed by a nonenrolled person due to MO HealthNet sanction, whether or not the person was under supervision of the enrolled provider, is a noncovered service;*

27. *Making any payment to any person in return for referring an individual to the provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet. Soliciting or receiving any payment from any person in return for referring an individual to another supplier of goods or services regardless of whether the supplier is a MO HealthNet provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet is also prohibited. Payment includes, without limitation, any kickback, bribe, or rebate made, either directly or indirectly, in cash or in-kind;*

28. *Billing for services through an agent, which were upgraded from those actually ordered, performed; or billing or coding services, either directly or through an agent, in a manner that services are paid for as separate procedures when, in fact, the services were performed concurrently or sequentially and should have been billed or coded as integral components of a total service as prescribed in MO HealthNet policy for payment in a total payment less than the aggregate of the improperly separated services; or billing a higher level of service than is documented in the patient/client record; or unbundling procedure codes;*

29. *Conducting civil or criminal fraud against the MO HealthNet program or any other state Medicaid (medical assistance) program, or any criminal fraud related to the conduct of the provider's profession or business;*

30. *Having sanctions or any other adverse action invoked by another state Medicaid program;]*

1. *Failure to meet standards under state or federal law for participation (for example, licensure);*

2. *Failure to comply with the provisions of the signed Missouri Department of Social Services, MO HealthNet Division Title XIX Participation Agreement with the provider relating to*

health care services. The standard agreement is accessible online and incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, July 20, 2022. This rule does not incorporate any subsequent amendments or additions;

3. *Rebating or accepting a fee or portion of a fee or charge for a MO HealthNet patient referral, or collecting a portion of the service fee from the participant;*

4. *Failure to accept MO HealthNet payment as payment in full for covered services or collecting additional payment from a participant or responsible person;*

5. *Failure to reverse or credit back to MO HealthNet within thirty (30) days any pharmacy claims submitted to the agency that represent products or services not received by the participant; for example, prescriptions that were returned to stock because they were not picked up;*

6. *For providers of Consumer Directed Services (CDS), failure to submit to MO Medicaid Audit and Compliance (MMAC) a required CDS quarterly Financial and Services report, annual service report, or an annual financial statement audit or financial statement review;*

7. *Failure to utilize an Electronic Visit Verification (EVV) system that complies with the requirements of 13 CSR 70-3.320 to document delivery of personal care services requiring EVV usage;*

8. *Failure to make to MMAC an annual attestation of compliance with the provisions of Section 6032 of the federal Deficit Reduction Act of 2005 by March 1 of each year, or failing to provide a requested copy of an attestation, or failing to provide written notification of having more than one (1) federal tax identification number by September 30 of each year, or failing to provide requested proof of a claimed exemption from the provisions of Section 6032 of the federal Deficit Reduction Act of 2005;*

9. *Failure to advise MMAC, in writing, on enrollment forms specified by the single state agency, of any changes affecting the provider's enrollment records within ninety (90) days of the change, with the exception of change of ownership or control of any provider which must be reported within thirty (30) days;*

10. *Refusing to execute a new provider agreement when requested to do so by MMAC in order to preserve the single state agency's compliance with federal and state requirements; or failure to execute an agreement within thirty (30) days for compliance purposes;*

11. *Billing the MO HealthNet program more than once for the same service when the billings were not caused by the single state agency or its agents;*

12. *Billing the MO HealthNet program for services not provided prior to the date of billing ("prebilling"), except in the case of prepaid health plans or pharmacy claims submitted by point-of-service technology, whether or not the prebilling causes loss or harm to the MO HealthNet program;*

13. *Submitting claims for services not personally rendered by the individually enrolled provider, except for the provisions specified in the MO HealthNet programs where such claims may be submitted only if the individually enrolled provider directly supervised the person who actually performed the service and the person was employed by the enrolled provider at the time the service was rendered. Such policies and procedures are contained in provider manuals which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, July 20, 2022. This rule does not incorporate any subsequent amendments or additions;*

14. *Failure to provide and maintain quality, necessary, and appropriate services, including adequate staffing for MO HealthNet participants, within accepted medical community*

standards as adjudged by a body of peers, as set forth in both federal and state statutes or regulations. The medical review may be conducted by qualified peers employed by the single state agency;

15. Breaching of the terms of the MO HealthNet provider agreement or of any current written and published policies and procedures of the MO HealthNet program or failing to comply with the terms of the provider certification on the MO HealthNet claim form. Such policies and procedures are contained in provider manuals which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, July 20, 2022. This rule does not incorporate any subsequent amendments or additions;

16. Failure to meet any of the documentation requirements under this paragraph. All records must be kept a minimum of six (6) years from the date of service unless a more specific provider regulation applies. The minimum six- (6-) year retention of records requirement continues to apply in the event of a change of ownership or discontinuing enrollment in MO HealthNet. Services billed to the MO HealthNet agency that are not adequately documented in the patient's medical records or for which there is no record that services were performed shall be considered a violation of this section. Copies of records must be provided upon request of the single state agency or its authorized agents, regardless of the media in which they are kept—

A. Failure to maintain documentation which is to be made contemporaneously to the date of service;

B. Failure to maintain records for services provided and all billing done under provider number regardless to whom the reimbursement is paid and regardless of who in their employment or service produced or submitted the MO HealthNet claim or both;

C. Failure to make available, and disclosing to the MO HealthNet agency or its authorized agents, all records relating to services provided to MO HealthNet participants or records relating to MO HealthNet payments, whether or not the records are commingled with non-Title XIX (Medicaid) records;

D. Failure to make these records available on a timely basis;

E. Failure to provide copies as requested;

F. Failure to keep and make available adequate records which adequately document the services and payments;

G. Failure to send records, which have been requested via mail, fax, or email, to the address or number on record with the agency, within the specified time frame;

H. For providers other than long-term care facilities, failure to retain in legible form for at least six (6) years from the date of service, worksheets, financial records, appointment books, appointment calendars (for those providers who schedule patient/client appointments), adequate documentation of the service, and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not; or

I. For long-term care providers, failing to retain in legible form, for at least seven (7) years from the date of service, worksheets, financial records, adequate documentation for the service(s), and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not. The documentation must be maintained so as to protect it from damage or loss by fire, water, computer failure, theft, or any other cause;

17. Removing or coercing from the possession or control of a participant any item of durable medical equipment which has reached MO HealthNet-defined purchase price through MO HealthNet rental payments or otherwise become the property of the participant without paying fair market value to the partici-

pant;

18. Failure to timely submit civil rights compliance data or information or failure to timely take corrective action for civil rights compliance deficiencies within thirty (30) days after notification of these deficiencies or failure to cooperate or supply information required or requested by civil rights compliance officers of the single state agency;

19. Billing the MO HealthNet program for services rendered to a participant in a long-term care facility when the resident resided in a portion of the facility which was not MO HealthNet-certified or properly licensed or was placed in a non-licensed or MO HealthNet non-certified bed;

20. Failure to submit proper diagnosis codes, procedure codes, billing codes regardless to who the reimbursement is paid and regardless of who in their employment or service produced or submitted the MO HealthNet claim;

21. Failure to submit and document, as defined in subsection (2)(A), the length of time (begin and end clock time) actually spent providing a service, except for services as specified under 13 CSR 70-91.010(4)(A) Personal Care Program, regardless to who the reimbursement is paid and regardless of whom in their employment or service produced or submitted the MO HealthNet claim or both;

22. Billing for the same service as another provider when the service is performed or attended by more than one (1) enrolled provider. MO HealthNet will reimburse only one (1) provider for the exact same service;

23. Failure to repay or make arrangements for the repayment of identified overpayments or otherwise improper payments prior to the allowed forty-five (45) days which the provider has to refund the requested amount;

24. Presenting, or causing to be presented, for payment, any false or fraudulent claim for services or merchandise in the course of business related to MO HealthNet by an agent or employee of the provider;

25. Submitting, or causing to be submitted, false information for the purpose of meeting prior authorization requirements or for the purpose of obtaining payments in order to avoid the effect of those changes;

26. Submitting, or causing to be submitted, false information for the purpose of obtaining greater compensation than that to which the provider is entitled under applicable MO HealthNet program policies or rules, including but not limited to the billing or coding of services which results in payments in excess of the fee schedule for the service actually provided or billing or coding of services which results in payments in excess of the provider's charges to the general public for the same services or billing for higher level of service or increased number of units from those actually ordered or performed or both, or altering or falsifying medical records to obtain or verify a greater payment than authorized by a fee schedule or reimbursement plan;

27. Engaging in conduct or performing an act deemed improper or abusive of the MO HealthNet program or failing to correct deficiencies in provider operations within ten (10) days or a date specified after receiving written notice of these deficiencies from the single state agency or within the time frame provided from any other agency having licensing or certification authority. This will include inappropriate or improper actions relating to the management of participants' personal funds or other funds;

28. Billing violations as follows:

A. Billing for services through an agent, which were upgraded from those actually ordered and performed;

B. Billing or coding services, either directly or through an agent, in a manner that services are paid for as separate procedures when, in fact, the services were performed concurrently or sequentially and should have been billed or coded as integral components of a total service as prescribed in MO HealthNet policy for payment in a total payment less than the aggregate of the

improperly separated services;

C. Billing a higher level of service than is documented in the patient/client record; or

D. Unbundling procedure codes;

29. Utilizing or abusing the MO HealthNet program as evidenced by a documented pattern of inducing, furnishing, or otherwise causing a participant to receive services or merchandise not otherwise required or requested by the participant, attending physician, or appropriate utilization review team; or as evidenced by a documented pattern of performing and billing tests, examinations, patient visits, surgeries, drugs, or merchandise that exceed limits or frequencies determined by the department for like practitioners for which there is no demonstrable need, or for which the provider has created the need through ineffective services or merchandise previously rendered;

[31.]30. *[Failing]* Failure to take reasonable measures to review claims for payment for accuracy, duplication, or other errors caused or committed by employees when the failure allows material errors in billing to occur. This includes failure to review remittance advice statements provided which results in payments which do not correspond with the actual services rendered;

[32. Submitting improper or false claims to the state or its fiscal agent by an agent or employee of the provider;

33. For providers other than long-term care facilities, failing to retain in legible form for at least five (5) years from the date of service, worksheets, financial records, appointment books, appointment calendars (for those providers who schedule patient/client appointments), adequate documentation of the service, and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not. For long-term care providers, failing to retain in legible form, for at least seven (7) years from the date of service, worksheets, financial records, adequate documentation for the service(s), and other documents and records verifying data transmitted to a billing intermediary, whether the intermediary is owned by the provider or not. The documentation must be maintained so as to protect it from damage or loss by fire, water, computer failure, theft, or any other cause;

34. Removing or coercing from the possession or control of a participant any item of durable medical equipment which has reached MO HealthNet-defined purchase price through MO HealthNet rental payments or otherwise become the property of the participant without paying fair market value to the participant;

35. Failing to timely submit civil rights compliance data or information or failure to timely take corrective action for civil rights compliance deficiencies within thirty (30) days after notification of these deficiencies or failure to cooperate or supply information required or requested by civil rights compliance officers of the single state agency;

36. Billing the MO HealthNet program for services rendered to a participant in a long-term care facility when the resident resided in a portion of the facility which was not MO HealthNet-certified or properly licensed or was placed in a nonlicensed or MO HealthNet-noncertified bed;

37. Failure to comply with the provisions of the Missouri Department of Social Services, MO HealthNet Division Title XIX Participation Agreement with the provider relating to health care services;

38. Failure to maintain documentation which is to be made contemporaneously to the date of service;

39. Failure to maintain records for services provided and all billing done under his/her provider number regardless to whom the reimbursement is paid and regardless of whom in his/her employ or service produced or submitted the MO HealthNet claim or both;

40. Failure to submit proper diagnosis codes, procedure

codes, billing codes regardless to whom the reimbursement is paid and regardless of whom in his/her employ or service produced or submitted the MO HealthNet claim;

41. Failure to submit and document, as defined in subsection (2)(A) the length of time (begin and end clock time) actually spent providing a service, except for services as specified under 13 CSR 70-91.010(4)(A) Personal Care Program, regardless to whom the reimbursement is paid and regardless of whom in his/her employ or service produced or submitted the MO HealthNet claim or both;

42. Billing for the same service as another provider when the service is performed or attended by more than one (1) enrolled provider. MO HealthNet will reimburse only one (1) provider for the exact same service;

43. Failing to make an annual attestation of compliance with the provisions of Section 6032 of the federal Deficit Reduction Act of 2005 by March 1 of each year, or failing to provide a requested copy of an attestation, or failing to provide written notification of having more than one (1) federal tax identification number by September 30 of each year, or failing to provide requested proof of a claimed exemption from the provisions of section 6032 of the federal Deficit Reduction Act of 2005; and

44. Failing to advise the single state agency, in writing, on enrollment forms specified by the single state agency, of any changes affecting the provider's enrollment records within ninety (90) days of the change, with the exception of change of ownership or control of any provider which must be reported within thirty (30) days.]

31. Submitting a false or fraudulent application for provider status which misrepresents material facts. This shall include concealment or misrepresentation of material facts required on any provider agreements or questionnaires submitted by affiliates when the provider knew, or should have known, the contents of the submitted documents;

32. Violating any laws, regulations, or code of ethics governing the conduct of occupations or professions or regulated industries. In addition to all other laws which would commonly be understood to govern or regulate the conduct of occupations, professions, or regulated industries, this provision shall include any violations of the civil or criminal laws of the United States, of Missouri, or any other state or territory, where the violation is reasonably related to the provider's qualifications, functions, or duties in any licensed or regulated profession or where an element of the violation is fraud, dishonesty, moral turpitude, or an act of violence;

33. Being formally reprimanded or censured by a board of licensure or an association of the provider's peers for unethical, unlawful, or unprofessional conduct; or any termination, removal, suspension, revocation, denial, probation, consented surrender, or other disqualification of all or part of any license, permit, certificate, or registration related to the provider's business or profession in Missouri or any other state or territory of the United States;

34. Conducting any action resulting in a reduction or depletion of a long-term care facility MO HealthNet participant's personal funds or reserve account, unless specifically authorized in writing by the participant, relative, or responsible person;

35. Making any payment to any person in return for referring an individual to the provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet. Soliciting or receiving any payment from any person in return for referring an individual to another supplier of goods or services regardless of whether the supplier is a MO HealthNet provider for the delivery of any goods or services for which payment may be made in whole or in part under MO HealthNet is also prohibited. "Payment" includes, without limitation, any kickback, bribe, or rebate made, either directly or

indirectly, in cash or in-kind;

36. Using fraudulent billing practices arising from billings to third parties for costs of services or merchandise or for negligent practice resulting in death or injury or substandard care to persons including but not limited to the provider's patients;

37. Having an adverse action invoked against the provider by another state Medicaid program;

38. Committing civil or criminal fraud against the MO HealthNet program or any other state Medicaid program, or any criminal fraud related to the conduct of the provider's profession or business;

39. Being excluded, suspended, or terminated from participation, or having payments suspended by the Medicare program or any other federal health care program. Voluntarily terminating from the Medicare program or other federal health care program is not a violation.

(4) Any one (1) or more of the following *[sanctions]* administrative actions may be invoked against providers for any one (1) or more of the program violations specified in section (3) of this rule:

(J) *[One hundred percent (100%) r]*Review of some or all of the provider's claims prior to payment;

(N) Denial of payment for any new admission to a skilled nursing facility (SNF), intermediate care facility (ICF), or ICF/individuals with intellectual disabilities (IID) that no longer meets the applicable conditions of participation (for SNFs) or standards (for ICFs and ICF/IIDs) if the facility's deficiencies do not pose immediate jeopardy to patients' health and safety. Imposition of this *[sanction]* administrative action must be in accordance with all applicable federal statutes and regulations.

(5) Imposition of *[a Sanction]* an Administrative Action.

(A) The decision as to the *[sanction]* administrative action to be imposed shall be at the discretion of the MO HealthNet agency. The following factors shall be considered in determining the *[sanction]* administrative action(s) to be imposed:

1. Seriousness of the offense(s)—The state agency shall consider the seriousness of the offense(s) including/,/ but not limited to/,/ whether or not an overpayment (that is, financial harm) occurred to the program, whether substandard services were rendered to MO HealthNet participants, or circumstances were such that the provider's behavior could have caused or contributed to inadequate or dangerous medical care for any patient(s), or a combination of these. Violation of pharmacy laws or rules, practices potentially dangerous to patients, and fraud are to be considered particularly serious;

2. Extent of violations—The state MO HealthNet agency shall consider the extent of the violations as measured/,/ by but not limited to/,/ the number of patients involved, the number of MO HealthNet claims involved the number of dollars identified in any overpayment, and the length of time over which the violations occurred. The MO HealthNet agency may calculate an overpayment or impose *[sanctions]* administrative actions under this rule by reviewing records pertaining to all or part of a provider's MO HealthNet claims. When records are examined pertaining to part of a provider's MO HealthNet claims, no random selection process in choosing the claims for review as set forth in 13 CSR 70-3.130 need be utilized by the MO HealthNet agency. But, if the random selection process is not used, the MO HealthNet agency may not construe violations found in the partial review to be an indication that the extent of the violations in any unreviewed claims would exist to the same or greater extent;

3. History of prior violations—The state agency shall consider whether or not the provider has been given notice of prior violations of this rule or other program policies. If the provider has received notice and has failed to correct the deficiencies or has resumed the deficient performance, a history shall be given substantial weight supporting the agency's decision to invoke *[sanctions]* administra-

tive actions. If the history includes a prior imposition of *[sanction]* administrative action(s), the agency should not apply a lesser *[sanction]* action in the second case, even if the subsequent violations are of a different nature;

4. Prior imposition of *[sanctions]* administrative actions—The MO HealthNet agency shall consider more severe *[sanctions]* administrative action in cases where a provider has been subject to *[sanctions]* actions by the MO HealthNet program, any other governmental medical program, Medicare, or exclusion by any private medical insurance carriers for misconduct in billing or professional practice. Restricted or limited participation in compromise after being notified or a more severe *[sanction]* action should be considered as a prior imposition of *[a sanction]* an action for the purpose of this subsection;

5. Prior provision of provider education—In cases where *[sanctions]* administrative actions are being considered for billing deficiencies only, the MO HealthNet agency may mitigate its *[sanction]* action if it determines that prior provider education was not provided. In cases where *[sanctions]* actions are being considered for billing deficiencies only and prior provider education has been given, prior provider education followed by a repetition of the same billing deficiencies shall weigh heavily in support of the medical agency's decision to invoke severe *[sanctions]* actions; and

6. Actions taken or recommended by peer review groups, licensing boards, or Professional Review Organizations (PRO) or utilization review committees—Actions or recommendations by a provider's peers shall be considered as serious if they involve a determination that the provider has kept or allowed to be kept, substandard medical records, negligently or carelessly performed treatment or services, or, in the case of licensing boards, placed the provider under restrictions or on probation.

(B) Where a provider has been convicted of defrauding any Medicaid program, has *[been]* had previous/*ly sanctioned]* actions invoked due to program abuse, has been terminated from the Medicare program, the MO HealthNet agency shall terminate the provider from participation in the MO HealthNet program.

(C) When *[a sanction]* an administrative action involving the collection, recoupment, or withholding of MO HealthNet payments from a provider is imposed on a provider, it shall become effective ten (10) days from the date of mailing or delivery of said notice, whichever occurs first. When any other *[sanction]* action is imposed on a provider it shall become effective thirty (30) days from the date of mailing or delivery of a decision of the Department of Social Services or its designated division, whichever occurs first. If, in the judgment of the single state agency, the surrounding facts and circumstances clearly show that serious abuse or harm may result from delaying the imposition of *[a sanction]* an administrative action, any *[sanction]* action may be made effective three (3) days after mailing of the notice to the provider or immediately upon receipt of notice by the provider, whichever occurs first.

(D) *[A sanction]* An administrative action may be applied to all known affiliates of a provider, provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances. The violation, failure, or inadequacy of performance may be imputed to an affiliate when the affiliate knew or should have known of the provider's actions.

(G) When the provisions of the previously mentioned are violated by a provider of services *[which]* that is a clinic, group, corporation, or other association, the single state agency may suspend or terminate the organization, the individual person, or both, within the organization who knew or should have known of the violation.

(H) When a provider has *[been sanctioned]* an administrative action imposed, the single state agency shall notify, as appropriate, the applicable professional society, board of registration or licensure, federal and state agencies of the finding made and the *[sanctions]* action(s) imposed.

(J) Except where termination has been imposed, a provider who has *[been sanctioned]* an administrative action imposed may be

required to participate in a provider education program as a condition of continued participation. Provider education programs may include:

1. Telephone and written instructions;
2. Provider manuals and workshops;
3. Instruction in claim form completion;
4. Instruction on the use and format of provider manuals;
5. Instruction on the use of procedure codes;
6. Key provisions of the MO HealthNet program;
7. Instruction on reimbursement rates; and
8. Instruction on how to inquire about coding or billing problems.

(6) Amounts Due the Department of Social Services ~~/F/~~from a Provider.

(D) Repayment or an agreement to repay amounts due the Department of Social Services by a provider shall not prevent the imposition of any ~~[sanction]~~ **administrative action** by the single state agency upon the provider.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016. This rule was previously filed as 13 CSR 40-81.160. Original rule filed Sept. 22, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 20, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Department of Social Services, MO HealthNet Division, PO Box 6500, Jefferson City, MO 65102-6500 or online at <https://dssrule-tracker.mo.gov/dss-proposed-rules/welcome.action>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 70—MO HealthNet Division

Chapter 8—Program of All-Inclusive Care for the Elderly

PROPOSED RULE

13 CSR 70-8.010 Program of All-Inclusive Care for the Elderly

PURPOSE: This rule establishes the requirements for agencies contracting to provide services to eligible participants through the MO HealthNet Division's (MHD) Program of All-Inclusive Care for the Elderly (PACE).

(1) Purpose and Scope. This rule implements the Program of All-Inclusive Care for the Elderly (PACE). PACE provides comprehensive, community-based, acute, and long-term care services to participants who meet certain eligibility requirements, meet the criteria for level of care (LOC), and who can be served safely in the community. PACE is jointly funded and administered by the Centers for Medicare & Medicaid Services (CMS) and the state administering agency (SAA) as defined in section (2) of this rule.

(2) Definitions. For purposes of this regulation, the following words and phrases are defined as follows:

(A) "Interdisciplinary team" shall refer to the interdisciplinary

team defined in 42 CFR 460.102 and in the program agreement;

(B) "Level of care (LOC)" shall refer to the level of care provided in a nursing facility, as established by the State of Missouri;

(C) "PACE organization (PO)" shall refer to the entity that provides services to participants under a PACE program agreement with CMS and the SAA;

(D) "Participant" shall refer to a person who receives services through the PACE organization;

(E) "Program agreement" shall refer to an agreement between a PACE organization, CMS, and the state administering agency for the operation of a PACE program; and

(F) "State administering agency (SAA)" shall refer to the Missouri Department of Social Services, MO HealthNet Division (MHD).

(3) Eligibility Criteria.

(A) To be eligible for PACE services, a participant must—

1. Be at least fifty-five (55) years of age;
2. Reside within a PACE organization's service area;
3. Meet the state's level of care requirements;
4. At the time of initial enrollment, reside in a non-institutional setting (e.g., house, apartment) without jeopardizing the participant's health or safety;
5. Agree to obtain all health-related services only through the PACE organization during the participant's period of enrollment in PACE;
6. Not be enrolled in one (1) or more of the following (or will discontinue being enrolled in one (1) or more of the following upon enrollment in PACE):
 - A. A Medicaid managed-care program other than PACE;
 - B. A hospice program;
 - C. A Medicaid 1915(c) home and community-based services (HCBS) waiver program;
 - D. A nursing facility certified by MHD while MHD is covering the person's nursing facility expenses; or
 - E. A health home;
7. Not reside in a state mental institution or an intermediate care facility for the intellectually disabled; and
8. Not be in a MO HealthNet coverage penalty period for a transfer of property under 42 U.S.C. 1396p(c).

(4) Enrollment Process.

(A) The PO shall develop and adhere to an enrollment process to be approved by the division.

(B) Completion of enrollment documentation and notifications is the responsibility of the PO in accordance with the division-approved enrollment process.

(5) Disenrollment Process.

(A) The PO shall develop and adhere to a disenrollment process to be approved by the division.

(B) For each participant who is voluntarily or involuntarily disenrolled, the PO shall—

1. Continue to provide for the necessary services to the participant through the last day of enrollment;
2. Create a discharge plan to help the participant obtain necessary transitional care through appropriate referrals to other Medicaid or Medicare service providers; and
3. Provide the medical records of the participant within five (5) business days after receipt of release of information.

(6) Provider Qualifications.

(A) In order to qualify as a PO, a prospective PO shall—

1. Meet all CMS requirements outlined in the application process through CMS;
2. Enroll as a MO HealthNet provider with the Missouri Medicaid Audit and Compliance Unit (MMAC).
 - A. Any providers with which the PO contracts for the provision of MO HealthNet-covered services shall also enroll with

MMAC; and

3. Shall complete and submit a feasibility study to be approved by the division.

(7) Provider Responsibilities.

(A) The PO shall be responsible for completing the SAA LOC assessment tool with the participant and/or authorized representative, and submitting the determination to the division.

1. The PO shall include with the determination that it submits to the division any supplemental documentation that the PO used to support its assessment.

(B) The PO shall be responsible for enrollment of the participant into PACE services, pursuant to federal and state law.

(C) The PO shall meet all applicable requirements under federal, state, and local law that are relevant to the PACE program and to MO HealthNet providers.

(D) The PO shall adhere to all terms outlined in the PACE program agreement between CMS, the division, and the PO.

(8) Capitation Payment.

(A) The division shall issue to the PO a monthly capitation payment for each PACE-enrolled MO HealthNet participant, and the PO shall assume full financial risk for that participant's care.

(B) The PO shall deliver a comprehensive service package, including all Medicare and Medicaid-covered services, as well as those additional services specified in the PACE program agreement.

(C) The PO shall consolidate the delivery of care by linking Medicaid and Medicare funding through the pooling of all capitation payments.

(9) Termination of the PACE Program Agreement.

(A) The division may terminate a PACE program agreement at any time for cause as outlined in the PACE program agreement.

1. Termination for cause include but is not limited to uncorrected deficiencies in the quality of care furnished to participants, the PACE organization's failure to comply substantially with conditions for a PACE program, or non-compliance with the terms of the program agreement.

(B) In the event of termination of the PACE program agreement, the PO may seek review of the department's action pursuant to section 208.156, RSMo.

(10) Annual Behavioral Health Screenings.

(A) The PO shall conduct annual behavioral health screenings. The PO shall conduct the Short Michigan Alcoholism Screening Test – Geriatric Version (SMAST-G) for every participant.

(B) In addition to the screening test identified in subsection (A) of this section, the PO shall determine which additional annual screening is appropriate for the participant in collaboration with the interdisciplinary team. The PO shall choose one (1) of the following assessments:

1. Rating Anxiety in Dementia (RAID) for participants with dementia; or

2. Geriatric Anxiety Scale – 10 Item Version (GAS-10) for cognitively normal participants.

(11) Provider Reporting.

(A) The PO shall provide to the division a list of all contracted and employed providers, in an easily readable and accessible format, by close of business on the last business day of each quarter (last business day of March, June, September, and December).

(B) The list of providers shall include the following details:

1. Provider/organization legal name;

2. National Provider Identifier (NPI) number; and

3. The effective date on which the provider enrolled with the PO.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016,

and section 208.152, RSMo Supp. 2021. Original rule filed Aug. 1, 2022.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rule Making, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 95—Private Duty Nursing Care Under the
Healthy Children and Youth Program**

PROPOSED AMENDMENT

13 CSR 70-95.010 Private Duty Nursing. The MO HealthNet Division is amending sections (3) and (10).

PURPOSE: This amendment revises section (3) regarding the MO HealthNet provider enrollment criteria for private duty nursing (PDN) providers. Section (10) was also revised to update the incorporation by reference date.

(3) Criteria for Providers of Private Duty Nursing Care for Children.

(A) A provider of private duty nursing care must have a valid MO HealthNet Private Duty Nursing Provider Agreement in effect with the Department of Social Services, Missouri Medicaid Audit and Compliance Unit (MMAC). To enroll, the applicant must *either submit a written proposal, or* be a Medicare-certified and MO HealthNet-enrolled home health agency, or be accredited by Joint Commission for Accreditation of Health Organization (JCAHO), or be accredited by Community Health Accreditation Program (CHAPS), **or submit a Private Duty Nursing Provider Agreement Addendum to MMAC Provider Enrollment.**

(10) MO HealthNet Private Duty Nursing Provider Manual. The Department of Social Services, MO HealthNet Division, shall administer the MO HealthNet Private Duty Nursing program. The services covered and not covered, the program limitations, and the maximum allowable fees for all covered services shall be included in the Private Duty Nursing provider manual, which is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at http://manuals.momed.com/collections/collection_pdn/print.pdf, [April 21, 2020] **August 1, 2022**. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2020] 2021. Original rule filed Sept. 2, 1993, effective April 9, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.010 Service Retirement. The Public School Retirement System is amending section (6) related to working after retirement.

PURPOSE: The amendment to section (6) of 16 CSR 10-5.010 relates to working after retirement for PSRS members and is necessary pursuant to CCS#2/HCS/SS/SCS/SBs 681 and 662 which became effective on July 1, 2022, pursuant to the bill's emergency clause. This legislation provides for a temporary waiver (through June 30, 2025) of certain hourly and salary limitations normally placed on PSRS retirees who return to work for covered employers. This legislation was passed to assist covered employers who are struggling to find enough qualified and available substitute teachers. The temporary waiver does not apply to all work performed by PSRS retirees; it applies only to hours and salary for PSRS retirees who return to work to substitute teach. Therefore, to administer this legislation as it relates to PSRS retirees, PSRS must define what it considers to be work that qualifies as substitute teaching under this temporary legislative waiver.

(6) Part-time employment is any employment which is less than full-time. Temporary-substitute employment is any employment either in a position held by a regularly employed person who is temporarily absent or in a position which is temporarily vacant.

(C) Effective July 1, 2022, and until June 30, 2025, pursuant to section 168.036.6, RSMo, and notwithstanding any other provisions to the contrary, any person retired and currently receiving a retirement benefit under sections 169.010 to 169.141, RSMo, other than for disability, may be employed to substitute teach on a part-time or temporary substitute basis by an employer included in the retirement system and for such work may exceed five hundred fifty (550) hours in any one (1) school year and may earn an amount in excess of the compensation limit set forth in subsection (6)(A) of this rule and section 169.560, RSMo, without a discontinuance of the retiree's retirement allowance. This section shall also apply to work performed by PSRS retirees, other than disability retirees, who are employed to substitute teach by third parties or as independent contractors for employers included in the retirement system. For purposes of administering this section as applicable to PSRS retirees, to substitute teach shall mean to instruct or guide the studies of students in a teaching position which requires a DESE-issued certificate in place of a regularly employed teacher who is temporarily unavailable. For community colleges, to substitute teach shall mean to instruct or guide the studies of students in a teaching position certified by the executive officer of the institution pursuant to section 169.140, RSMo, in place of a regularly employed teacher who is temporarily unavailable. A regularly employed teacher is considered temporarily unavailable when the teacher's position is

unfilled due to the absence of the regular or former teacher for twelve (12) months or less.

((C))/(D) A retiree receiving a retirement benefit, other than a disability benefit, from PSRS may be employed by an employer included in that system in any position that normally does not require a person employed in that position to be duly certificated by the Department of Elementary and Secondary Education and through such employment may earn during the school year not more than sixty percent (60%) of the minimum teacher's salary for a teacher without a master's degree as set forth in section 163.172, RSMo, without a discontinuance of the retiree's retirement allowance. The employer shall contribute to the Public Education Employee Retirement System of Missouri (PEERS) at the rate set for that system on all salary as defined in section 169.010, RSMo, and 16 CSR 103.010(9) of the person so employed. Such employee shall not contribute on such earnings and shall earn no service credit in either system for such employment. If such employment exceeds the limitation on compensation, the retiree's retirement benefit from PSRS shall cease until the employment terminates or a new school year begins, and such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements. A PSRS retiree who meets PSRS eligibility requirements after exceeding the limits set forth above shall not be eligible to elect membership in PEERS under section 169.712, RSMo. The provisions of this subsection shall not apply to positions held by a PSRS retiree employed by a community college included in the system.

((D))/(E) This rule shall not apply to employment with a state college, a state university, or any state agency.

((E))/(F) The employer covered by PSRS, the third-party employer, the independent contractor, and the retiree shall maintain a log of all dates worked, hours worked, wage earned, and the employer. The employer covered by PSRS, the third-party employer, the independent contractor, and retiree shall provide a copy of the work log upon request of retirement system.

Employee Name:		School Year:	
Date Worked	Hours Worked	Wage Earned	Employer

The working after retirement limits set forth in section 169.560, RSMo, shall be applied on a *pro rata* basis as provided below to a retiree's hours of work during the school year in which the retiree's date of retirement is effective.

Effective date of retirement	Hours allowed after retirement for school year
July 1	550
August 1	504
September 1	458
October 1	413
November 1	367
December 1	321
January 1	275
February 1	229
March 1	183
April 1	138
May 1	92
June 1	0

The working after retirement limits set forth in section 169.560, RSMo, shall be applied on a *pro rata* basis as provided below to a retiree's base salary to determine the retiree's earnings limit during the school year in which the retiree's date of retirement is effective.

Effective date of retirement	Percentage of base salary allowed after retirement for school year
July 1	50%
August 1	46%
September 1	42%
October 1	38%
November 1	33%
December 1	29%
January 1	25%
February 1	21%
March 1	17%
April 1	13%
May 1	8%
June 1	0%

AUTHORITY: section 169.020, RSMo [2016] Supp. 2021. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 19, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School Retirement System of Missouri, attn: General Counsel, at PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Public Education Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.060 Service Retirement. The Public School Retirement System is amending this regulation by adding a new section (5) related to working after retirement.

PURPOSE: The amendment to 16 CSR 10-6.060 (adding a new section (5)) relates to working after retirement for PEERS members and is necessary pursuant to CCS#2/HCS/SS/SCS/SBs 681 and 662 which became effective on July 1, 2022, pursuant to the bill's emergency clause. This legislation provides for a temporary waiver (through June 30, 2025) of certain hourly limitations normally placed on PEERS retirees who return to work for covered employers. This legislation was passed to assist covered employers who are struggling to find enough qualified and available substitute teachers. The temporary waiver does not apply to all work performed by PEERS retirees; it applies only to hours for PEERS retirees who return to work to substitute teach. Therefore, to administer this legislation as it relates to PEERS retirees, PEERS must define what it considers to be work that qualifies as substitute teaching under this temporary legislative waiver.

(5) Effective July 1, 2022, and until June 30, 2025, pursuant to section 168.036.6, RSMo, and notwithstanding any other provisions to the contrary, any person retired and currently receiving a retirement benefit under sections 169.600 to 169.715, RSMo, other than for disability, may be employed to substitute teach on a part-time or temporary substitute basis by an employer includ-

ed in the retirement system and for such work may exceed five hundred fifty (550) hours in any one (1) school year without a discontinuance of the retiree's retirement allowance. For purposes of administering this section as applicable to PEERS retirees, to substitute teach shall mean to instruct or guide the studies of students in a teaching position which requires a DESE-issued certificate in place of a regularly employed teacher who is temporarily unavailable. For community colleges, to substitute teach shall mean to instruct or guide the studies of students in a teaching position certified by the executive officer of the institution pursuant to section 169.140, RSMo, in place of a regularly employed teacher who is temporarily unavailable. A regularly employed teacher is considered temporarily unavailable when the teacher's position is unfilled due to the absence of the regular or former teacher for twelve (12) months or less.

[(5)](6) Effective July 1, 2015, for any employment teaching at a community college included in the system, each credit hour taught by a retired member will be the equivalent of thirty (30) hours for the purposes of this rule and section 169.560, RSMo, regardless of the number of hours actually worked by the retired member related to the course(s) taught. For any said course(s) taught during summer session, all hours for said course(s) shall be counted as having occurred during the school year in which the course(s) commence. Any hours worked performing additional duties for a community college not related to said course(s) for which a retired member receives compensation above and beyond that received for teaching said course(s) shall be counted on a hour-by-hour basis for the purposes of this rule and section 169.560, RSMo.

[(6)](7) A member electing Option 2, Option 3, or Option 4 in his/her application for service retirement shall furnish proof of date of birth of the person nominated to receive the survivorship payments.

[(7)](8) A member electing Option 2, Option 3, or Option 4 in his/her application for service retirement shall indicate the relationship establishing an insurable interest in his/her life for the person nominated and, if requested by the board, shall furnish evidence of the existence of the insurable interest. An insurable interest shall be considered to exist because of the relationship to a member of a wife, husband, father, mother, child (including a stepchild or adopted child), or any other person who has a financial interest in the continued life of the member or who is dependent upon the member for all or part of his/her support.

[(8)](9) Any member retiring under the provisions of section 169.563, RSMo, shall have the same rights of retirement benefit plan election as a member retiring under section 169.670, RSMo. Further, the surviving spouse of any member who dies prior to retirement and while eligible to retire under section 169.563, RSMo, shall have the same survivorship benefit rights as provided under section 169.670, RSMo.

[(9)](10) Any actuarial adjustment to a retirement allowance payment made because of the nomination of a successor beneficiary as provided in 169.715, RSMo, shall take effect in the month a properly completed nomination of successor beneficiary form is received by the Retirement System or the month of the retiree's marriage to the successor beneficiary, whichever occurs later. The nomination of a successor beneficiary shall be effective immediately upon receipt by the Retirement System of the properly completed nomination of successor beneficiary form or the date of the retiree's marriage to the successor beneficiary, whichever occurs later. Effective August 28, 2017, the properly completed nomination of successor beneficiary form submitted pursuant to section 169.715, RSMo, must be received by the Retirement System within one (1) year of remarriage of the retirement member and the new spouse.

[(10)](11) The effective date of any monthly benefit to a service retiree shall be the first day of the calendar month following the event establishing eligibility for the benefit, assuming all other requirements of the law and rules of the board of trustees have been met. Monthly benefit payments shall be made on the last day of each calendar month and shall be only for complete months. The initial payment shall include all benefits accrued since the effective date.

[(11)](12) A qualified member who desires to elect retirement Option 7 “Accelerated Payment Option” must do so in accordance with the terms, conditions, and limitations of this paragraph and section 169.670, RSMo.

(A) By selecting the Accelerated Payment Option, the member is electing to utilize the retirement allowance the member is eligible to receive from this retirement system in conjunction with the retirement benefit the member is eligible to receive from the federal Social Security Administration commencing at the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected), in order to receive from the two (2) systems combined, and within the limitations noted herein, level or near level monthly retirement benefits during the member’s retirement.

(B) Under the Accelerated Payment Option, the member must select a benefit payment plan authorized by section 169.670, RSMo, for which the member qualifies, including the options for reduced monthly benefit payments for life (with continuing payments to a designated beneficiary), but the amount of the benefit payment the member would otherwise be eligible to receive under the plan selected will be modified in the manner described herein.

1. The retirement allowance paid to the member by this retirement system under the Accelerated Payment Option will be actuarially equivalent to the retirement allowance the member would normally receive under the benefit payment plan selected, but to facilitate level or near level monthly benefit payments during retirement in the manner described herein, the member agrees to accept a plan of monthly benefit payments from this retirement system that will vary in amount, depending on the age of the member.

A. By electing the Accelerated Payment Option, the member agrees to accelerate payment of a portion of the member’s retirement allowance to the early months of retirement, but as a consequence, and in order to maintain actuarial equivalence, the member further agrees to receive a reduced benefit payment amount over the remainder of the retirement period.

B. Under the Accelerated Payment Option, from the effective date of retirement from this retirement system until the retiree reaches the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected), the retiree will receive a larger monthly benefit payment from this retirement system than would otherwise be paid under the benefit payment plan selected by the retiree. Upon reaching the minimum Social Security retirement age (as previously defined), the retiree will receive a smaller monthly benefit payment from this retirement system than would otherwise be paid under the benefit payment plan selected by the retiree.

2. The amount of the variable monthly benefit payment received from this retirement system will be actuarially determined by the retirement system using the benefit payment plan selected by the member and the member’s projected retirement benefit from Social Security at the minimum eligible retirement age (as established by law at the time the Accelerated Payment Option is elected). The actuarial calculation will identify the necessary increase over and reduction below the monthly benefit otherwise payable under the benefit payment plan selected by the member, so that in conjunction with the monthly retirement benefit the member is eligible to receive from Social Security commencing at the minimum retirement age (as established by law at the time the Accelerated Payment Option is elected), the member can potentially receive level or near level monthly benefit payments during the member’s retirement.

3. The plan of variable monthly benefit payments from this retirement system under the Accelerated Payment Option contemplates that the retiree will apply for and begin receiving retirement benefits from Social Security at the minimum Social Security retirement age set by law at the time the Accelerated Payment Option is elected, but nothing herein or in section 169.670, RSMo, shall be construed as a promise or guarantee by this retirement system that the Social Security Administration will make such payments, or that any payments made will comport with the estimate of projected Social Security benefits used to calculate the variable monthly benefits from this retirement system, or that such payments will commence at the time originally identified by the Social Security Administration. Similarly, nothing herein or in section 169.670, RSMo, shall be construed as a promise or guarantee that this retirement system will make up any shortfall in Social Security benefits from those projected at the time the Accelerated Payment Option is elected, or that this retirement system has any obligations other than those expressly assumed herein to assure a stream of level or near level monthly retirement benefits. It shall be the sole responsibility of the retiree and the Social Security Administration, respectively, to secure and/or pay Social Security retirement benefits sufficient to combine with the plan of variable retirement benefits available from this system to yield a level or near level stream of monthly benefit payments during retirement. Neither a failure by the retiree or the Social Security Administration to fulfill their respective obligations, nor a subsequent change in the minimum Social Security retirement age, will nullify the retiree’s election of the Accelerated Payment Option or compel recalculation of the plan of variable monthly benefits determined at the time of election.

4. The retirement allowance the member is eligible to receive from this retirement system will determine the capacity of the Accelerated Payment Option to effectively provide level or near level monthly benefit payments for a retiree in the manner described herein. Some members may not be eligible for sufficient benefits to achieve a meaningful leveling of benefit payments under the Accelerated Payment Option and a member must exercise independent judgement in deciding whether the Accelerated Payment Option is appropriate in light of the member’s particular circumstances. Nothing in this paragraph or in section 169.670, RSMo, shall be construed as a promise or guarantee by this retirement system that the Accelerated Payment Option will provide a level or near level combination of benefit payments for all retirees, and in no case will the necessary adjustments to the monthly benefit otherwise payable under the plan selected by the member cause the amount to be paid when the member reaches the minimum Social Security retirement age (as established by law at the time the Accelerated Payment Option is elected) to be less than twenty-five percent (25%) of the member’s original, non-adjusted benefit (i.e., the monthly benefit that would otherwise be payable under the benefit payment plan selected by the member).

5. If the retiree selects a benefit payment plan that provides for the payment of retirement benefits to a beneficiary upon the retiree’s death, the amount of the beneficiary’s payment in any particular month will be established by determining the monthly benefit amount the retiree would have received under the Accelerated Payment Option were the retiree still living, and then incorporating any reduction from that benefit level, if appropriate, based on the benefit payment plan selected by the retiree.

(C) The provisions in section 169.670, RSMo, and 16 CSR 10-6.100 concerning the right to receive a cost-of-living adjustment (COLA), the amount of any COLA, and any other limitations concerning COLAs shall apply with equal effect to benefits paid under the Accelerated Payment Option, except as follows:

1. Any COLA the retiree is eligible to receive will be based on the amount of the monthly benefit payable by this retirement system when the COLA takes effect; and

2. If a retiree has received COLAs prior to reaching the minimum Social Security retirement age (as established by law at the time

the Accelerated Payment Option is elected), the reduced benefit paid by this retirement system from that point forward will include only that percentage of the previously awarded COLAs that would have been earned by the benefit amount payable after the retiree reaches the Social Security minimum retirement age (as previously defined).

(D) Limitations on and other provisions concerning post-retirement employment found in this rule and in Chapter 169, RSMo, shall apply with equal effect to a retiree under the Accelerated Payment Option, except as follows:

1. If a retiree under the Accelerated Payment Option subsequently returns to employment covered by this retirement system, benefit payments will be suspended, and the retiree's covered service will recommence under a new membership;

2. While the retirement benefits are suspended, they will continue to accrue COLAs based on the benefit that would have been paid to the retiree had the individual not returned to covered employment;

3. When the individual terminates covered employment and is again eligible to begin receiving retirement benefits, the retirement system will recalculate and, if necessary, adjust the amount of the prospective benefit payments under the Accelerated Payment Option to assure that they remain actuarially equivalent to the benefit payment plan selected at the time of the original retirement; and

4. A retiree under the Accelerated Payment Option who returns to covered employment and thereby qualifies for a second benefit based on the new membership may not elect the Accelerated Payment Option for the second benefit.

(E) A member who wishes to elect to receive retirement benefits under the Accelerated Payment Option, or who wants to receive an estimate of benefits under the Accelerated Payment Option, must provide the retirement system with a written estimate of the member's projected Social Security retirement benefit at the minimum eligible retirement age (as then in effect), prepared and issued by the Social Security Administration. The Social Security benefit estimate must have been issued no more than one hundred eighty (180) days prior to the date of the application for retirement or the date of the request for an Accelerated Payment Option benefit estimate. The Social Security benefit estimate must identify the projected retirement benefits for the member only, and may not include any benefits that could accrue to the member from a spouse, family member, or some other source.

(F) If a member dies prior to retirement, the member's surviving spouse cannot elect to receive benefits from this retirement system under the Accelerated Payment Option.

/(12)/(13) Any person who is receiving or has received a retirement allowance from the system, other than a disability retirement allowance, who returns to employment in a position covered by the system shall undertake such employment under a new and separate membership in the system.

(A) Such person shall be eligible for a subsequent retirement allowance after one (1) year of creditable service under the new membership in the system. Such subsequent retirement allowance shall be separate and distinct from such person's previous retirement allowance.

(B) After earning at least one (1) year of creditable service and upon termination of employment under the subsequent membership with the system, such person may—1) withdraw from the system and receive a refund of the person's contributions made during the subsequent membership; 2) apply for a subsequent retirement allowance; or 3) leave the contributions with the system.

(C) Such person shall not receive a retirement allowance for any previous membership service while the person is earning creditable service under a subsequent membership with the system.

(D) All previous years of creditable service, not otherwise forfeited, will be considered to determine the formula factor, which may include the temporary allowance provided in section 169.671.1(5), RSMo, to be used in calculating the subsequent retirement

allowance.

/(13)/(14) In addition to the retirement allowance provided in section 169.670.1(1)–(3), RSMo, a member retiring on or after July 1, 2000, whose creditable service is thirty (30) years or more or whose sum of age and creditable service is eighty (80) years or more, shall receive a temporary retirement allowance equivalent to four-tenths (4/10) of one percent (1%) of the member's final average salary multiplied by the member's years of service until such time as the member reaches minimum retirement age for Social Security retirement benefits ("minimum Social Security retirement age"), subject to the terms, conditions, and limitations of this rule.

(A) "Minimum Social Security retirement age" is the minimum age at which the retiree would be eligible to receive reduced Social Security retirement benefits. If otherwise eligible, a retiree shall receive the temporary retirement allowance until the retiree first attains minimum Social Security retirement age as that age is periodically adjusted by the Social Security Administration, but in no event shall the temporary retirement allowance terminate prior to the earlier of the retiree's death or the retiree's attainment of age sixty-two (62).

(B) To receive the temporary retirement allowance, the member must select a benefit payment plan authorized by section 169.670, RSMo, for which the member qualifies, which may include an option for reduced monthly benefit payments for life, with continuing payments to a designated beneficiary.

1. A retiree who elects Option 1 shall receive the temporary retirement allowance until the earlier of the retiree's death or the time at which the retiree attains minimum Social Security retirement age, provided that in no event shall the temporary retirement allowance terminate prior to the earlier of the retiree's death or the retiree's attainment of age sixty-two (62).

2. A retiree who elects Option 2, 3, 4, or 7 shall receive the temporary retirement allowance, as actuarially reduced pursuant to section 169.670.4, RSMo, in the same manner as described in this rule, provided that if the retiree dies prior to reaching minimum Social Security retirement age, such temporary retirement allowance shall be paid to the retiree's designated beneficiary (as adjusted pursuant to the retiree's elected option) until such time as the retiree would have reached the minimum Social Security retirement age had the retiree lived.

3. A retiree who elects Option 5 or 6 shall receive the temporary retirement allowance, as actuarially reduced pursuant to section 169.670.4, RSMo, in the same manner as described in this rule, provided that if the retiree dies prior to reaching minimum Social Security retirement age, such temporary retirement allowance shall be paid to the retiree's designated beneficiary until such time as the retiree would have reached minimum Social Security retirement age had the retiree lived or until the payments to the retiree's beneficiary would otherwise terminate pursuant to Option 5 or 6, whichever occurs first.

(C) By accepting the temporary retirement allowance, the retiree agrees to receipt of a retirement allowance that may decrease substantially when the retiree reaches minimum Social Security retirement age and further, that such decrease will be magnified if the retiree elected Option 7. By accepting the temporary retirement allowance, the retiree agrees that the payment of the temporary retirement allowance is not designed to provide for equal or substantially equal retirement allowance payments throughout the retiree's life when such payments are received in conjunction with Social Security benefits or otherwise. Nothing herein or in section 169.670, RSMo, shall be construed as a promise or guarantee by this retirement system that the Social Security Administration will make any payments, or that any payments made, when added to the retiree's retirement allowance, will result in equal or substantially equal payments throughout the retiree's life or the life of any named beneficiary, or that this retirement system has any obligation to assure a stream of equal or substantially equal monthly retirement benefits. It shall be

the sole responsibility of the retiree and the Social Security Administration, respectively, to secure or pay Social Security retirement benefits. Neither a failure by the retiree or the Social Security Administration to fulfill their respective obligations, nor a subsequent change in the minimum Social Security retirement age shall compel this retirement system to recalculate the monthly benefits determined at the time of the retiree's election of a retirement option pursuant to section 169.670, RSMo.

(D) The provisions in section 169.670, RSMo, and 16 CSR 10-6.100 concerning the right to receive a cost-of-living adjustment ("COLA"), the amount of any COLA, and any other limitations concerning COLAs shall apply with equal effect to the temporary retirement allowance, except as follows:

1. Any COLA the retiree is eligible to receive will be based on the amount of the monthly benefit payable by this retirement system when the COLA takes effect; and

2. If a retiree has received COLAs prior to reaching the minimum Social Security retirement age, the reduced retirement allowance paid by Public Education Employee Retirement System (PEERS) from that point forward will include only that percentage of the previously awarded COLAs that would have been earned by the benefit amount payable after the retiree reaches the minimum Social Security retirement age.

(E) Limitations on and other provisions concerning post-retirement employment found in this rule and in Chapter 169, RSMo, shall apply with equal effect to a retiree receiving a temporary retirement allowance, except as follows:

1. If a retiree receiving a temporary retirement allowance subsequently returns to employment covered by this retirement system, benefit payments will be suspended, and the retiree's covered service will commence under a new membership;

2. While the retirement benefits are suspended, they will continue to accrue COLAs based on the benefit that would have been paid to the retiree had the retiree not returned to covered employment;

3. A retiree receiving a temporary retirement allowance who returns to covered employment and thereby qualifies for a second benefit based on the new membership may receive a temporary retirement allowance as part of the retiree's subsequent benefit if eligible pursuant to section 169.561, RSMo, and sections ~~[(11)] (12)~~ and ~~[(12)] (13)~~ of this rule.

(F) If a member dies prior to retirement, a beneficiary eligible to receive monthly benefits pursuant to 169.670.4(2), RSMo, is eligible to receive a temporary retirement allowance if the member would have been eligible to receive the temporary retirement allowance. The temporary retirement allowance paid to such beneficiary shall be administered in the same manner as if the member had retired and elected Option 2 of section 169.670.4(2), RSMo.

~~[(14)](15)~~ Pursuant to section 169.596, RSMo, a person receiving a retirement benefit from the Public Education Employee Retirement System of Missouri (PEERS) may be employed up to full-time for no more than twenty-four (24) months for a PEERS-covered school district without a suspension of his or her retirement benefit provided that such school district certifies that it has met the requirements set forth in section 169.596, RSMo, and provided that such school district does not exceed the limit on the number of PEERS retirees that may be hired pursuant to section 169.596, RSMo.

(A) As used in section 169.596.2, RSMo, "full-time" shall mean "regularly employed" as defined in 16 CSR 10-6.010(1).

(B) As used in section 169.596, RSMo, "early retirement incentive" shall have the same definition as "consideration for agreeing to terminate employment" provided in 16 CSR 10-3.010(9)(B)6., except that it shall not include retirement notice or separation notice incentives of total value of five thousand dollars (\$5,000) or less for providing notice of intent to retire or separate employment.

(C) The school district shall notify PEERS in a manner acceptable to PEERS of the school district's intent to hire a PEERS retiree

under section 169.596, RSMo, prior to the first date of such employment.

(D) A school district hiring a PEERS retiree under section 169.596, RSMo, shall certify to PEERS through the Online Automated System Integrated Solution (OASIS) or in another manner acceptable to PEERS that—

1. It has met the requirements of section 169.596, RSMo; and

2. It has not exceeded the limit on the number of PEERS retirees it may hire under section 169.596, RSMo.

~~[(15)](16)~~ If the designated joint and survivor beneficiary of a retiree who elected Option 2, 3, or 4 dies before the retired member, the retired member's retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected Option 1. The increase in retirement allowance shall be effective the month of the beneficiary's death.

~~[(16)](17)~~ Any member receiving a retirement allowance from the Public Education Employee Retirement System of Missouri who elected a reduced retirement allowance under subsection 4 of section 169.670, RSMo, who, at the time of that election, named his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected Option 1 under the following circumstances:

(A) Where the marriage of the retired member and the nominated spouse was dissolved on or after September 1, 2017, the dissolution decree must clearly provide for sole retention by the retired member of all rights in the retirement allowance to the satisfaction of the Public Education Employee Retirement System of Missouri;

(B) Where the marriage of the retired member and the nominated spouse was dissolved prior to September 1, 2017:

1. If the dissolution decree clearly provides for sole retention by the retired member of all rights in the retirement allowance to the satisfaction of the Public Education Employee Retirement System of Missouri, the parties must either obtain an amended or modified dissolution decree after September 1, 2017, that provides for the immediate removal of the nominated spouse, or the nominated spouse must sign a notarized statement on a form designated by the Public Education Employee Retirement System of Missouri consenting to his or her immediate removal as the nominated beneficiary and disclaiming all rights to future benefits;

2. If the dissolution decree does not clearly provide for sole retention by the retired member of all rights in the retirement allowance to the satisfaction of the Public Education Employee Retirement System of Missouri, the parties must obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired member of all rights in the retirement allowance;

(C) The retired member and the nominated spouse must have been married at the time of the election of the reduced retirement allowance under subsection 4 of section 169.670, RSMo;

(D) In order to receive the increased retirement allowance, a retired member who elected a term certain plan under subsection 4 of section 169.670, RSMo, must have named his or her spouse as the primary beneficiary at the time of retirement. The increased retirement allowance shall continue for the remainder of the retired member's lifetime and no provisions of the term certain plan shall continue to apply to the retired member. All beneficiaries nominated by the retired member under the term certain plan shall be void, and the retired member must name new beneficiaries for any accumulated contributions payable upon the retired member's death. The retired member shall not be eligible to nominate a new spouse pursuant to section 169.715, RSMo;

(E) A retired member who elected the Option 7 Accelerated Payment Option in conjunction with a reduced retirement allowance under subsection 4 of section 169.670, RSMo, upon application for the increased retirement allowance pursuant to section 169.715,

RSMo, will have his or her retirement allowance increased to the amount he or she would receive had he or she elected Option 1 in conjunction with the Option 7 Accelerated Payment Option; and

(F) Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase, including the nominated spouse's consent and disclaimer form, if required, and a certified copy of the decree of dissolution (and separation agreement, if applicable) that meets the requirements of this section. The increased retirement allowance will be paid prospectively only after receipt of all of the aforementioned documents. No retroactive benefits will be paid.

AUTHORITY: section 169.610, RSMo [2016] Supp. 2021. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 19, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School Retirement System of Missouri, attn: General Counsel, at PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 100—Safe Place for Newborns

PROPOSED RULE

19 CSR 30-100.010 Newborn Safety Incubators

PURPOSE: This rule establishes the specifications governing the installation, maintenance, and oversight of newborn safety incubators.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) As used in this rule, the following terms and phrases shall mean:

(A) Department shall mean the Department of Health and Senior Services;

(B) Facility shall mean the entity registered with the Department of Health and Senior Services and approved to utilize an installed newborn safety incubator;

(C) Newborn safety incubator shall mean a medical device used to maintain an optimal environment for the care of a newborn infant; and

(D) Relinquishing parent shall mean the biological parent or person acting on such parent's behalf who leaves a newborn infant in a newborn safety incubator.

(2) Specifications for a newborn safety incubator.

(A) Each newborn safety incubator shall—

1. Be a medical bassinet in compliance with 21 CFR 880.5145 with the exception of bassinet wheels. The bassinet wheels shall be removed for installation in compliance with paragraph (2)(A)2.;

2. Have the supporting frame of the medical bassinet physically anchored to a position that aligns the plastic basket or bed portion of the bassinet with the wall directly beneath the access portal door and prevents movement of the unit as a whole; and

3. Provide a safe sleep environment which includes:

A. A firm flat bassinet mattress;

B. A bassinet mattress sheet that fits snugly on a mattress and overlaps the mattress, so it cannot be dislodged by pulling on the corner of the sheet; and

C. Is free from any bedding, including pillows, bumpers, and blankets.

(3) Installation of a newborn safety incubator.

(A) Access portal door.

1. The newborn safety incubator shall have an access portal door. This access portal door shall only be installed on an exterior wall that ensures anonymity of the relinquishing parent and provides access to an area within the interior of the building. The newborn safety incubator access portal door shall only be installed in a manner within the interior of the building that provides unencumbered access from the exterior of the building through the access portal door for the surrender of the child into the medical bassinet. The access portal door shall have a lock that can lock automatically upon closure by the relinquishing parent after the newborn has been placed in the newborn safety incubator. The placement of the newborn safety incubator access portal door and the medical bassinet within the interior of the building shall provide unencumbered access to the medical bassinet so a facility trained individual can respond to an alarm notification that a child has been surrendered into the newborn safety incubator.

2. The access portal door shall—

A. Lock automatically upon closure;

B. May only be unlocked from the interior of the building;

C. Trigger a series of alarms that, at a minimum, shall include—

(I) An audible alarm triggered to a central location within the facility one (1) minute after the opening of the access portal door; and

(II) An automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm.

3. The installation of the access portal door shall be completed by a general contractor who shall affirm in the *General Contractor Attestation* form, included herein, that the access portal door and the area where the newborn safety incubator is located meets the requirements of subsections (3)(A) and (3)(B). The general contractor signing the form maintains ultimate responsibility for all work performed in the process of the construction of the access portal door and the area where the newborn safety incubator is located.

(B) Interior of the building.

1. The interior of the building shall provide a monitored climate controlled environment, including temperature control within the range of sixty-eight (68) to seventy-five (75) degrees.

2. The interior of the building shall provide air circulation that is free from pollutants, exhaust, chemical fumes, and smoke.

3. The interior of the building shall have an automated external defibrillator (AED) within close vicinity to the newborn safety incubator.

4. The interior of the building shall have appropriate lighting for relinquishing parents and staff to be able to see the newborn safety incubator and signage. This lighting shall have battery backup in the event that the electricity is out.

(C) Alarm system.

1. There shall be an alarm system installed in relation to the

access portal door and the location where the newborn safety incubator is located that will alert a facility trained individual overseeing the newborn safety incubator that the access portal door has been opened, so that the facility trained individual can then check to see if a newborn has been placed in the newborn safety incubator.

2. The access portal door alarm shall only be capable of being turned off from within the facility once a response is made to the newborn safety incubator.

3. The access portal door alarm shall be—

A. Wired into the existing structure's electrical or telecommunications system;

B. If wired into the structure's existing electrical system—

(I) Be in compliance with the NFPA 70, National Electrical Code (NEC), and NFPA 1, Fire Code if applicable. The NFPA 70, NEC, Revised 2020, and NFPA 1, Fire Code, Revised 2021, are incorporated by reference in this rule as published by the National Fire Protection Agency, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, or can be found at www.nfpa.org. This rule does not incorporate any subsequent amendments or additions;

(II) Be installed by a licensed electrical contractor; and

(III) If the facility has a secondary or back-up power supply, then the alarm system shall be wired into the secondary or back-up power supply to ensure continued operation of the alarm system during outages of the structure's primary power supply. If the facility does not have a secondary or back-up power supply, then the alarm system shall have battery back-up; and

C. Tested following installation to ensure the activation of the audible, 911, and disarming components of the system.

4. The installation of the alarm system shall be completed by either a licensed electrical contractor/electrician if wired into the structure's existing electrical system and the facility's secondary or back-up power supply if applicable or a telecommunications installation professional if wired into the structure's existing telecommunications network. The licensed electrical contractor/electrician or telecommunications installation professional who completes the installation of the alarm system shall affirm in the *Licensed Electrical Contractor/Electrician or Telecommunications Installation Professional Attestation* form, included herein, that the alarm system meets the requirements of paragraph (3)(A)2. and subsection (3)(C) in this rule. The licensed electrical contractor/electrician or the telecommunications installation professional who signs the form maintains ultimate responsibility for all work performed in the process of the installation of the alarm system.

(D) Signage.

1. Each location where a newborn safety incubator is installed shall post signage that clearly identifies the newborn safety incubator access portal door and provides both written and pictorial instruction to the relinquishing parents. This written signage shall be in English, Spanish, and any other language that is commonly used in the community. The written and pictorial instruction shall depict how to do the following:

A. Open the access portal door;

B. Place the infant inside the medical bassinet; and

C. Close the access portal door to engage the lock.

2. The written signage shall also provide contact information for the Children's Division at the Missouri Department of Social Services, including the hotline number, in order to direct any questions the relinquishing parent(s) may have regarding the newborn after the newborn is placed in the newborn safety incubator to the Children's Division.

(4) Maintenance/staff.

(A) Each registered facility shall have a medical contact in order to obtain the required newborn safety incubator. The newborn safety incubator is a prescription device per 21 CFR 880.5145.

(B) Each registered facility shall have at least one (1) individual trained, present, and on duty in the facility at all times, twenty four hours (24) a day, seven (7) days a week to take possession of a new-

born placed in the newborn safety incubator. Training shall occur before the individual is initially placed on duty with the facility and as needed as issues/problems arise. Training shall consist of compliance with this rule including at least what to do when taking possession of a newborn from a newborn safety incubator—

1. How to care for the newborn before the newborn is transferred to the hospital;

2. Who to call for immediate transportation of the newborn to the nearest hospital;

3. How to test the alarm system, how to recognize the alarm, how to silence the alarm, how to check the newborn safety incubator twice a day for debris;

4. How to clean and sanitize the newborn safety incubator;

5. How to access the newborn safety incubator from the interior of the building;

6. How to complete required paperwork; and

7. Who to contact if there are any problems related to the relinquishment of a newborn.

(C) Staff shall also be current in cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification which includes CPR and AED use specifically for infants. The facility shall complete documentation of the required training and maintain a list of individuals trained to be on duty. The facility shall also complete documentation regarding the individuals on duty each day. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required training, the list of trained individuals and which individuals were on duty shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(D) Upon taking possession of a newborn from a newborn safety incubator, facility staff shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to Chapter 197, RSMo.

(E) The facility shall test the alarm system a minimum of once a week to ensure the activation of the audible, 911, and disarming components of the system are properly working. The facility shall complete documentation of this required testing of the alarm system. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required testing shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(F) The facility shall test the access portal door locking system at least once a week to ensure the activation of the automatic locking system. The facility shall complete documentation of this required testing of the access portal door automatic locking system. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required testing shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(G) The newborn safety incubator shall be checked a minimum of twice daily for debris. The facility shall complete documentation of this twice daily check for debris. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required twice daily check for debris shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(H) The newborn safety incubator shall be cleaned at least weekly and after any child surrender. The cleaning of the bassinet shall include:

1. An inspection for breaks in integrity that would impair either cleaning or disinfection/sterilization;

2. Sanitization of the basket or bed portion of the bassinet with an EPA-registered hospital disinfectant (e.g. phenolics) using the label's safety precautions and directions. The surfaces of the

bassinet shall be rinsed with water after sanitizing and then dried before being returned to use; and

3. The facility shall complete documentation of this required cleaning and sanitization. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. Documentation of the required cleaning and sanitization shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(I) The facility shall keep track of the number of newborns placed into the newborn safety incubator at its facility. This documentation shall be maintained onsite and current as long as the newborn safety incubator is registered at that facility's location. This documentation shall be made available to the department upon the department's request. This documentation shall be maintained for a period of five (5) years.

(5) Oversight.

(A) Prior to utilizing an installed newborn safety incubator, each facility that has a newborn safety incubator installed at a location shall register with the department. This registration shall include—

1. A completed *Newborn Safety Incubator – Location, Contact Information and Attestation of Compliance* registration form, included herein;

2. A completed *General Contractor Attestation* form, included herein, completed by the general contractor; and

3. A completed *Licensed Electrical Contractor/Electrician or Telecommunications Installation Professional Attestation* form, included herein, completed by the licensed electrical contractor/electrician or telecommunications installation professional.

(B) After receiving a completed registration packet, the department shall complete an inspection of the facility to confirm compliance with this rule. If the department finds any deficiencies during the inspection that do not conform with this rule, the department will provide the facility written notice of all deficiencies. The facility shall send the department a plan of corrections within ten (10) calendar days to demonstrate how the facility has corrected or is planning to correct the deficiencies set forth by the department.

(C) Once all deficiencies have been corrected by the facility and approved by the department, then the facility may begin utilizing the installed newborn safety incubator at the location and area of the facility that was reviewed and approved by the department. If the facility changes the location of the newborn safety incubator, then the facility shall immediately contact the department within twenty-four (24) hours and shall not use the newborn safety incubator until the department has inspected and approved the new location. Depending on where the newborn safety incubator has been relocated, the facility may need to complete new registration forms set forth in subsection (5)(A).

(D) The department will post the location of approved facilities on its website at www.health.mo.gov.

(E) The facility shall make the department aware of any change(s) in the contact or contact information listed on the *Newborn Safety Incubator—Location, Contact Information and Attestation of Compliance* registration form within ten (10) days of any change(s) occurring by completing a new *Newborn Safety Incubator—Location, Contact Information and Attestation of Compliance* registration form and submitting it to the department.

(F) The facility shall annually complete a *Newborn Safety Incubator—Location, Contact Information and Attestation of Compliance* registration form and submit this completed form to the department within thirty (30) days of the anniversary of the initial or previous renewal registration date.

(G) The department may, at any time, request additional information that the department determines to be necessary to assess compliance with the applicable criteria, standards, and requirements established by this rule. The facility shall submit any additional information requested by the department within thirty (30) days of the

department's request. The department may require any additional information requested to be submitted in less than thirty (30) days if health or safety is of concern.

(H) Any facility that has a newborn safety incubator registered with the department may choose to voluntarily terminate their registration by doing the following:

1. Removing the newborn safety incubator from use by locking the access portal door and removing all signage for the newborn safety incubator; and

2. Notifying the department within seven (7) days of removing the newborn safety incubator from use, so the department can close out the registration and remove the facility's name and location from the department's website.

(I) The department may inspect the facility at any time to determine compliance with the requirements of this rule. If the department finds any deficiencies during the inspection that do not conform with this rule, the department will provide the facility written notice of all deficiencies. The facility shall send the department a written plan of corrections within ten (10) calendar days to demonstrate how the facility has corrected or is planning to correct the deficiencies set forth by the department. The plan of corrections shall include the date and time the facility plans to resume normal operation of the newborn safety incubator and what measures will be taken to mitigate any risk identified by cited deficiencies until the deficiency or deficiencies are corrected. Failure of the facility to be in compliance with the requirements of this rule may result in legal action against the facility by the department.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
**NEWBORN SAFETY INCUBATOR- LOCATION, CONTACT INFORMATION AND
ATTESTATION OF COMPLIANCE**

REGISTRATION OF NEWBORN SAFETY INCUBATORS

There is/are _____ (number) newborn safety incubator/s located at the following location in Missouri:

Name of Facility

Street Address of Facility

City and Zip Code

Please also list the mailing address if it is different from the address above, which may include PO Boxes

Name of Facility

Address of Facility, which may include PO Boxes

City, State, and Zip Code

Please also provide additional contact information:

Name of CEO/COO/Administrator

Email address of CEO/COO/Administrator

Fax number (if applicable)

Phone number of CEO/COO/Administrator

Phone number of facility which can be reached 24 hours a day

ATTESTATION OF COMPLIANCE

I have read and reviewed 19 CSR 30-100.010 and 210.950, RSMo, and agree to ensure compliance with 19 CSR 30-100.010 and 210.950, RSMo. I will make the Department aware of any change(s) in the contact or contact's information listed on this form within ten (10) days of the change(s) occurring. If I change the location of the newborn safety incubator, then I agree to immediately contact the Department within twenty-four (24) hours and to not use the newborn safety incubator until the Department has inspected and approved the new location. I agree to annually complete this form and send it to the Department within thirty (30) days of the anniversary of the initial or previous renewal registration date. In the event that I decide to voluntarily terminate my registration of a newborn safety incubator and stop using the newborn safety incubator, I agree to remove the newborn safety incubator from use by locking the access portal door and removing all signage for the newborn safety incubator. I will also notify the department within seven (7) days of removing the newborn safety incubator from use so the Department can close out the registration and remove the facility's name and location from its website.

SIGNATURE OF COO/CEO/ADMINISTRATOR

DATE

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
**LICENSED ELECTRICAL CONTRACTOR/ELECTRICIAN OR TELECOMMUNICATIONS
INSTALLATION PROFESSIONAL ATTESTATION**

ATTESTATION

This form shall be completed and signed by the licensed electrical contractor/electrician or telecommunications installation professional who completed the installation of the alarm system.

The installation of the alarm system was completed on _____
DATE

I affirm that the alarm system complies with the following requirements in 19 CSR 30-100.010(3)(A)2 and (3)(C):

1. The alarm system installed in relation to the access portal door and the location where the newborn safety incubator is located will alert a facility trained individual overseeing the newborn safety incubator that the access portal door has been opened.
2. The access portal door alarm is only capable of being turned off from within the facility once a response is made to the newborn safety incubator.
3. The access portal door alarm is wired into the existing structure's: (please check one)
☐ electrical
☐ telecommunications system
If wired into the structure's existing electrical system, then I attest that a licensed electrical contractor installed this wiring and the wiring is in compliance with the NFPA 70, National Electrical Code and NFPA 1, Fire Code (if applicable).
4. The facility (please check one)
☐ does have a secondary power supply
☐ does have a back-up power supply
☐ does not have a secondary or back-up power supply
If the facility has a secondary or back-up power supply, the alarm system was wired into the secondary or back-up power supply by a licensed electrical contractor/electrician to ensure continued operation of the alarm system during outages of the structure's primary power supply.
5. A series of alarms trigger within one (1) minute after opening the access portal door (both an audible alarm triggered to a central location within the facility and an automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm).
6. The audible alarm, automatic call to 911 and the disarming component for the alarm system have been tested and are working appropriately.

By signing this form, I attest that the installation of the access portal door complies with the requirements set forth in 19 CSR 30-100.010(3)(A)2 & (3)(C).

SIGNATURE OF ELECTRICAL CONTRACTOR/ELECTRICIAN OR TELECOMMUNICATIONS INSTALLATION PROFESSIONAL
WHO COMPLETED THE INSTALLATION OF THE ACCESS PORTAL DOOR

DATE

BUSINESS NAME (IF APPLICABLE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

LICENSE NUMBER/JURISDICTION FOR THIS PROJECT (IF APPLICABLE)

PHONE NUMBER AND EMAIL ADDRESS (IF APPLICABLE)

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslcensing@health.mo.gov



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF REGULATION AND LICENSURE
GENERAL CONTRACTOR ATTESTATION

This form shall be filled out and signed by the general contractor who completed the installation of the access portal door.

The installation of the access portal door was completed on _____
DATE

I affirm that the access portal door complies with the following requirements in 19 CSR 30-100.010(3)(A) & (B):

1. The newborn safety incubator has an access portal door.
2. The access portal door was installed on an exterior wall and provides access to an area within the interior of the building.
3. There is unencumbered access from the exterior of the building through the access portal door.
4. The access portal door has a lock that can be engaged by the relinquishing parent after the newborn has been placed in the newborn safety incubator. The access portal door locks automatically upon closure. This lock may only be unlocked from the interior of the building.
5. A series of alarms trigger within one (1) minute after opening the access portal door (both an audible alarm triggered to a central location within the facility and an automatic call to 911 triggered from the alarm system if the alarm is not turned off from within the facility within one (1) minute of the commencement of the initial alarm).

By signing this form, I attest that the installation of the access portal door complies with the requirements set forth in 19 CSR 30-100.010(3)(A) & (B).

GENERAL CONTRACTOR'S SIGNATURE

DATE

GENERAL CONTRACTOR'S BUSINESS (IF APPLICABLE)

GENERAL CONTRACTOR'S STREET ADDRESS

GENERAL CONTRACTOR'S CITY, STATE AND ZIP CODE

GENERAL CONTRACTOR'S LICENSE NUMBER/JURISDICTION FOR THIS PROJECT (IF APPLICABLE)

GENERAL CONTRACTOR'S PHONE NUMBER AND EMAIL ADDRESS (IF APPLICABLE)

Please return this form to the following email or mailing address:

Missouri Department of Health and Senior Services
Bureau of Emergency Medical Services
P.O. Box 570
920 Wildwood Drive
Jefferson City, MO 65102-0570
emslicensing@health.mo.gov

AUTHORITY: section 210.950, RSMo Supp. 2021. Emergency rule filed July 29, 2022, effective Aug. 12, 2022, expires Feb. 23, 2023. Original rule filed July 29, 2022.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions nine hundred five thousand nine hundred thirty dollars (\$905,930) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities four hundred forty-seven thousand nine hundred sixty-five dollars (\$447,965) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Taz Meyer at Taz.Meyer@health.mo.gov or Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-100.010 Newborn Safety Incubators.**

Rule Number and Title:	19 CSR 30-100.010 Newborn Safety Incubators
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
(2) Entities/Facilities with Newborn Safety Incubators	\$895,930 in the aggregate
(1) DHSS Inspector	\$10,000 in the aggregate
TOTAL COSTS =	\$905,930 in the aggregate

III. WORKSHEET**Costs for each entity****Medical bassinet**

Medical bassinet, mattress and sheets = \$1750

Signage

Sign to post by the newborn safety incubator = \$500

Room addition or renovation of space for newborn safety incubator

Construction of a room or renovation of space to place the newborn safety incubator including the costs of the general contractor, the access portal door on the exterior wall, locking system for the access portal door, climate controlled environment with a proper air circulation system and lighting including battery backup = \$75,000.

Audible alarm system

Audible alarm system with automatic call capability to 911 if the alarm is not disarmed within one (1) minute, costs for licensed electrical contractor and potentially a telecommunications installation professional to install and wire the alarm system, wiring of electrical access portal door alarm into the existing electrical system, and alarm system wired into secondary backup supply or battery backup = \$15,000.

Staff on duty

One (1) staff X \$15.00 X 24 hours/day X 7 days/week X 52 weeks/year = \$131,040

Benefits for five staff to rotate 24/7 schedule

\$40,000 benefits X (5) staff for each entity = \$200,000/year

Paid training to train new and current staff

Paid training to train new and current staff= \$3,000

CPR with AED training

Class to train staff for CPR and AED \$35.00 X five (5) staff = \$175

AED machine

AED machine= \$2,500

Supervisor to train staff, ensure inspections are completed and fill out paperwork

1/8 of supervisor's duties for entity= \$15,000

Maintenance and testing of access portal door and audible alarm system

Maintenance and testing of access portal door and audible alarm system= \$4,000

Total for costs for public entities = \$1750 (medical bassinet) + \$500 (signage) + \$75,000 (room renovation or addition) + \$15,000 (audible alarm system) + \$131,040 (staff on duty) + \$200,000 (benefits for five staff) + \$3,000 (paid training to train new and current staff) + \$175 (CPR with AED training) + \$2,500 (AED machine) + \$15,000 (supervisor to train) + \$4,000 (maintenance and testing of access portal door and audible alarm system) = \$447,965 annually X 2 facilities/entities = \$895,930 annually.

Department Inspector

Department inspector 1/8 of current job duties - \$10,000.

IV. ASSUMPTIONS

The Department is estimating a staff of at least five (5) individuals to rotate through a 24/7 schedule. The pay is estimated at the federal minimum wage of \$15.00. The Department is also estimating that a supervisor that already works for the entity/facility will conduct the training with the staff and ensure that inspections and paperwork is completed.

The Department has estimated the construction costs and the set-up of the alarm system in these costs. After the first year, these costs will not be incurred again. However, in subsequent years, there will be costs for the maintenance and testing of the systems (access portal door and audible alarm system).

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-100.010 Newborn Safety Incubators**

Rule Number and Title:	19 CSR 30-30-100.010 Newborn Safety Incubators
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
(1)	Entity/Facility with Newborn Safety Incubators	\$447,965 annually
	TOTAL COSTS =	\$447,965 annually

III. WORKSHEET**Costs for the entity****Medical bassinet**

Medical bassinet, mattress and sheets = \$1750

Signage

Sign to post by the newborn safety incubator = \$500

Room addition or renovation of space for newborn safety incubator

Construction of a room or renovation of space to place the newborn safety incubator including the costs of the general contractor, the access portal door on the exterior wall, locking system for the access portal door, climate controlled environment with a proper air circulation system and lighting including battery backup = \$75,000.

Audible alarm system

Audible alarm system with automatic call capability to 911 if the alarm is not disarmed within one (1) minute, costs for licensed electrical contractor and potentially a telecommunications installation professional to install and wire the alarm system, wiring of electrical access portal door alarm into the existing electrical system, and alarm system wired into secondary backup supply or battery backup = \$15,000.

Staff on duty

One (1) staff X \$15.00 X 24 hours/day X 7 days/week X 52 weeks/year = \$131,040

Benefits for five staff to rotate 24/7 schedule

\$40,000 benefits X (5) staff for each entity = \$200,000/year

Paid training to train new and current staff

Paid training to train new and current staff= \$3,000

CPR with AED training

Class to train staff for CPR and AED \$35.00 X five (5) staff = \$175

AED machine

AED machine= \$2,500

Supervisor to train staff, ensure inspections are completed and fill out paperwork

1/8 of supervisor's duties for entity= \$15,000

Maintenance and testing of access portal door and audible alarm system

Maintenance and testing of access portal door and audible alarm system= \$4,000

Total for costs for private entity = \$1750 (medical bassinet) + \$500 (signage) + \$75,000 (room renovation or addition) + \$15,000 (audible alarm system) + \$131,040 (staff on duty) + \$200,000 (benefits for five staff) + \$3,000 (paid training to train new and current staff) + \$175 (CPR with AED training) + \$2,500 (AED machine) + \$15,000 (supervisor to train) + \$4,000 (maintenance and testing of access portal door and audible alarm system) = \$447,965 annually

IV. ASSUMPTIONS

The Department is estimating a staff of at least five (5) individuals to rotate through a 24/7 schedule. The pay is estimated at the federal minimum wage of \$15.00. The Department is also estimating that a supervisor that already works for the entity/facility will conduct the training with the staff and ensure that inspections and paperwork is completed.

The Department has estimated the construction costs and the set-up of the alarm system in these costs. After the first year, these costs will not be incurred again. However, in subsequent years, there will be costs for the maintenance and testing of the systems (access portal door and audible alarm system).

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 4240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

PROPOSED AMENDMENT

20 CSR 4240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements. The commission staff proposes amending sections (1), (2), (4), (5), (6), (7), (9), (10), (12), and (14).

PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 191 promulgated between January 2021 and December 2021, modifies the notification criteria for Missouri incidents, and makes clarification and editorial changes.

(1) Scope. (191.1)

(A) This rule prescribes requirements for the reporting of incidents, safety-related conditions, *[and]* annual pipeline summary data, **National Operator Registry information, and other miscellaneous conditions** by operators of gas pipeline facilities and **underground natural gas storage facilities** located in Missouri and under the jurisdiction of the commission. **This rule applies to onshore gathering lines, including Type R gathering lines as determined in 20 CSR 4240-40.030(1)(E). (192.8)**

(B) *[This rule does not apply to]* **Subsections (11)(B) and (11)(C) and section (12) do not apply to the onshore gathering of gas—**

1. Through a pipeline that operates at less than zero (0) pound per square inch gauge (psig) (0 kPa); or

2. Through a pipeline that is not a regulated onshore gathering line *[as determined in 20 CSR 4240-40.030(1)(E) (192.8)]*.

(2) Definitions. (191.3) As used in this rule and in the PHMSA Forms referenced in this rule—

(D) Federal incident means any of the following events:

1. An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility (UNGSF), liquefied natural gas (LNG), liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one (1) or more of the following consequences:

A. A death or personal injury necessitating inpatient hospitalization; or

B. Estimated property damage of *[fifty thousand dollars (\$50,000)]* **one hundred twenty-two thousand dollars (\$122,000)** or more, including loss to the operator and others, or both, but excluding the cost of gas lost. **For adjustments for inflation observed in calendar year 2021 onwards, changes to the reporting threshold will be posted on PHMSA's website. These changes will be determined in accordance with appendix A to 49 CFR part 191; or**

C. Unintentional estimated gas loss of three (3) million cubic feet or more;

2. An event that results in an emergency shutdown of an LNG facility or an UNGSF. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident; or

3. An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (2)(D)1. or (2)(D)2.

(N) Regulated onshore gathering means a Type A, Type B, or Type C gas gathering pipeline system as determined in 20 CSR 4240-40.030(1)(E) (192.8);

(O) Reporting-regulated gathering means a Type R gathering line as determined in 20 CSR 4240-40.030(1)(E). (192.8) A Type R gathering line is subject only to this rule;

[(N)](P) Transportation of gas means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in or affect-

ing intrastate, interstate, or foreign commerce; and

[(O)](Q) Underground natural gas storage facility (UNGSF) means a gas pipeline facility that stores natural gas in an underground facility incidental to the transportation of natural gas, including—

1. A depleted hydrocarbon reservoir, an aquifer reservoir, or a solution-mined cavern; and

2. In addition to the reservoir or cavern, a UNGSF includes injection, withdrawal, monitoring, and observation wells; wellbores and downhole components; wellheads and associated wellhead piping; wing-valve assemblies that isolate the wellhead from connected piping beyond the wing-valve assemblies; and any other equipment, facility, right-of-way, or building used in the underground storage of natural gas.

(4) Immediate Notice of Missouri Incidents.

(A) Within two (2) hours following discovery by the operator, or as soon thereafter as practicable if emergency efforts to protect life and property would be hindered, each gas operator must notify designated commission personnel by telephone of the following events within areas served by the operator:

1. An event that involves a release of gas involving the operator's actions or pipeline system, or where there is a suspicion by the operator that the event may involve a release of gas involving the operator's actions or pipeline system, and results in one (1) or more of the following consequences/—/:

A. A death;

B. A personal injury involving medical care administered in an emergency room or health care facility, whether inpatient or outpatient, beyond initial treatment and prompt release after evaluation by a health care professional; or

C. Estimated property damage of *[ten thousand dollars (\$10,000)]* **seventeen thousand five hundred dollars (\$17,500)** or more, including loss to the gas operator or others, or both, and including the cost of gas lost;

2. An event that is significant, in the judgement of the operator, even though it did not meet the criteria of paragraph (4)(A)1.; or

3. An event that is reported as a Federal incident under section (3).

(5) Report Submission Requirements. (191.7)

(B) Missouri *[(incident)]* **reports.**

1. This subsection applies to events that meet the criteria in subsection (4)(A) but are not a federal incident reported under subsection (5)(A). Within thirty (30) days of a telephone notification made under subsection (4)(A), each gas operator must submit the applicable U.S. Department of Transportation Form PHMSA F 7100.1, PHMSA F 7100.2, or PHMSA F 7100.3 to designated commission personnel. Additional information required in subsections (6)(B) and (9)(B) for federal incidents is also required for these events.

2. The incident report forms for gas distribution systems (PHMSA F 7100.1, revised *[April 2019]* **May 2021**), gas transmission and gathering pipeline systems (PHMSA F 7100.2, revised *[April 2019]* **January 2020**), and LNG facilities (PHMSA F 7100.3, revised April 2019) are incorporated by reference in subsection (5)(G).

(G) Forms *[(incorporated)]* **by reference.**

1. The following forms are incorporated by reference and made part of this rule.

A. U.S. Department of Transportation Form PHMSA F 1000.1, revised January 2020. The PHMSA F 1000.1 form is the Operator Identification (OPID) Assignment Request form and does not include any amendments or additions to the January 2020 version.

B. U.S. Department of Transportation Form PHMSA F 1000.2, revised January 2020. The PHMSA F 1000.2 form is the National Registry Notification form for reporting changes including operator name change, change in entity operating, shared safety program change, change in ownership for gas facilities, construction or

rehabilitation of gas facilities, change in ownership for LNG, and construction for LNG. The PHMSA F 1000.2 form does not include any amendments or additions to the January 2020 version.

C. U.S. Department of Transportation Form PHMSA F 7100.1, revised *[April 2019] May 2021*. The PHMSA F 7100.1 form is the incident report form for gas distribution systems and does not include any amendments or additions to the *[April 2019] May 2021* version.

D. U.S. Department of Transportation Form PHMSA F 7100.1-1, revised *[October 2018] May 2021*. The PHMSA F 7100.1-1 form is the annual report form for gas distribution systems and does not include any amendments or additions to the *[October 2018] May 2021* version.

E. *[U.S. Department of Transportation Form PHMSA F 7100.1-2, revised October 2014. The PHMSA F 7100.1-2 form is the report form for mechanical fitting failures and does not include any amendments or additions to the October 2014 version] Reserved.*

F. U.S. Department of Transportation Form PHMSA F 7100.2, revised *[April 2019] January 2020*. The PHMSA F 7100.2 form is the incident report form for gas transmission and gathering pipeline systems and does not include any amendments or additions to the *[April 2019] January 2020* version.

G. U.S. Department of Transportation Form PHMSA F 7100.2-1, revised October *[2014] 2021*. The PHMSA F 7100.2-1 form is the annual report form for gas transmission and gathering pipeline systems and does not include any amendments or additions to the October *[2014] 2021* version.

H. U.S. Department of Transportation Form PHMSA F 7100.3, revised April 2019. The PHMSA F 7100.3 form is the incident report form for LNG facilities and does not include any amendments or additions to the April 2019 version.

I. U.S. Department of Transportation Form PHMSA F 7100.3-1, revised *[August 2017] October 2014*. The PHMSA F 7100.3-1 form is the annual report form for LNG facilities and does not include any amendments or additions to the *[August 2017] October 2014* version.

J. U.S. Department of Transportation Form PHMSA 7100.4-1, approved August 2017. The PHMSA F 7100.4-1 form is the annual report form for underground natural gas storage facilities and does not include any amendments or additions to the August 2017 version.

K. U.S. Department of Transportation Form PHMSA 7100.2-2, approved March 2022. The PHMSA F 7100.2-2 form is the incident report form for reporting-regulated gathering pipeline systems and does not include any amendments or additions to the March 2022 version.

L. U.S. Department of Transportation Form PHMSA 7100.2-3, approved March 2022. The PHMSA F 7100.2-3 form is the annual report form for reporting-regulated gathering pipeline systems and does not include any amendments or additions to the March 2022 version.

2. The forms listed in paragraph (5)(D)1. are published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. The forms are available at www.phmsa.dot.gov/forms/pipeline-forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E).

(6) Distribution System—Federal Incident Report. (191.9)

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.1 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised *[April 2019] May 2021*) is incorporated by reference in subsection (5)(G).

(7) Distribution System—Annual Report *[and Mechanical Fitting Failure Reports]*.

(A) Annual Report. (191.11)

1. Except as provided in paragraph (7)(A)3., each operator of a distribution pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A).

2. The annual report form (revised *[October 2018] May 2021*) is incorporated by reference in subsection (5)(G).

3. The annual report requirement in this subsection does not apply to a master meter system, *[or to]* a petroleum gas system *[which]* that serves fewer than one hundred (100) customers from a single source, or an individual service line directly connected to a production pipeline or a gathering line other than a regulated gathering line as determined in 20 CSR 4240-40.030(1)(E). (192.8)

[(B) Mechanical Fitting Failure Reports. (191.12)]

1. Each mechanical fitting failure, as required by 20 CSR 4240-40.030(17)(E) (192.1009), must be submitted on a Mechanical Fitting Failure Report Form (U.S. Department of Transportation Form PHMSA F 7100.1-2). An operator must submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 15 of the following year. Alternatively, an operator may elect to submit its reports throughout the year. In addition, an operator must also report this information to designated commission personnel.

2. The Mechanical Fitting Failure Report Form (October 2014) is incorporated by reference in subsection (5)(G).]

(B) Reserved.

(9) Transmission Systems; Gathering Systems; Liquefied Natural Gas Facilities; and Underground Natural Gas Storage Facilities—Federal Incident Report. (191.15)

(A) Transmission or */G/gathering*.

1. Each operator of a transmission or a regulated onshore gathering pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3). (191.5)/. See the report submission requirements in subsection (5)(A). The incident report form (revised *[April 2019] January 2020*) is incorporated by reference in subsection (5)(G).

2. Each operator of a reporting-regulated gathering pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.2-2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5) that occurs after May 16, 2022. See the report submission requirements in subsection (5)(A). The incident report form (revised March 2022) is incorporated by reference in subsection (5)(G).

(C) Underground natural gas storage facility. Each operator of an UNGSF must submit U.S. Department of Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3). (191.5)/. See the report submission requirements in subsection (5)(A). The incident report form (revised *[April 2019] January 2020*) is incorporated by reference in subsection (5)(G).

(10) Transmission Systems; Gathering Systems; Liquefied Natural Gas Facilities; and Underground Natural Gas Storage Facilities—Annual Report. (191.17)

(A) Transmission or */G/gathering*.

1. Each operator of a transmission or a regulated onshore gathering pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.2-1.

This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised October [2014] 2021) is incorporated by reference in subsection (5)(G).

2. Type R gathering. Beginning with an initial annual report submitted in March 2023 for the 2022 calendar year, each operator of a reporting-regulated gas gathering pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.2-3. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised March 2022) is incorporated by reference in subsection (5)(G).

(B) LNG. Each operator of a liquefied natural gas facility must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.3-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised [August 2017] October 2014) is incorporated by reference in subsection (5)(G).

(12) Reporting Safety-Related Conditions. (191.23)

(B) A report is not required for any safety-related condition that—

1. Exists on a master meter system, a reporting-regulated gathering pipeline, a Type C gas gathering pipeline with an outside diameter of 12.75 inches or less, a Type C gathering pipeline covered by the exception in 49 CFR 192.9(f)(1), or a customer-owned service line;

2. Is an incident or results in an incident before the deadline for filing the safety-related condition report;

3. Exists on a pipeline (other than an UNGSF or an LNG facility) that is more than two hundred twenty (220) yards (two hundred (200) meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway;

4. Exists on an UNGSF, where a well or wellhead is isolated, allowing the reservoir or cavern and all other components of the facility to continue to operate normally and without pressure restriction; or

5. Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the safety-related condition report. Notwithstanding this exception, a report must be filed for—

A. Conditions under paragraph (12)(A)1., unless the condition is localized corrosion pitting on an effectively coated and cathodically protected pipeline; and

B. Any condition under paragraph (12)(A)10.

(14) National Pipeline Mapping System (NPMS). (191.29)

(C) This section does not apply to gathering pipelines.

AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.020. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service

Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than October 1, 2022, and should include a reference to Commission Case No. GX-2022-0340. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., October 4, 2022, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 4240—Public Service Commission Chapter 40—Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

20 CSR 4240-40.030 Safety Standards—Transportation of Gas by Pipeline. The commission staff proposes amending sections (1)–(6), (9), (10), (12), (13), (17), and Appendices B and E.

PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 192, promulgated between January 2021 and December 2021, and makes clarification and editorial changes.

(1) General.

(B) Definitions. (192.3) [a]/As used in this rule—

1. Abandoned means permanently removed from service;

2. Active corrosion means continuing corrosion that, unless controlled, could result in a condition that is detrimental to public safety;

3. Administrator means the Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation to whom authority in the matters of pipeline safety have been delegated by the Secretary of the United States Department of Transportation, or his or her delegate;

4. Alarm means an audible or visible means of indicating to the controller that equipment or processes are outside operator-defined, safety-related parameters;

5. Building means any structure that is regularly or periodically occupied by people;

6. Commission means the Missouri Public Service Commission;

7. Composite materials means materials used to make pipe or components manufactured with a combination of either steel and/or plastic and with a reinforcing material to maintain its circumferential or longitudinal strength;

[7.]8. Control room means an operations center staffed by personnel charged with the responsibility for remotely monitoring and controlling a pipeline facility;

[8.]9. Controller means a qualified individual who remotely monitors and controls the safety-related operations of a pipeline facility via a supervisory control and data acquisition (SCADA) system from a control room, and who has operational authority and accountability for the remote operational functions of the pipeline facility;

[9.]10. Customer meter means the meter that measures the transfer of gas from an operator to a consumer;

[10.]11. Designated commission personnel means the pipeline

safety program manager at the address contained in 20 CSR 4240-40.020(5)(E) for correspondence;

/11./12. Distribution line means a pipeline other than a gathering or transmission line;

/12./13. Electrical survey means a series of closely spaced pipe-to-soil readings over pipelines which are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline, except that other indirect examination tools/methods can be used for an electrical survey included in the federal regulations in 49 CFR part 192, subpart O and appendix E (incorporated by reference in section (16));

/13./14. Engineering critical assessment (ECA) means a documented analytical procedure based on fracture mechanics principles, relevant material properties (mechanical and fracture resistance properties), operating history, operational environment, in-service degradation, possible failure mechanisms, initial and final defect sizes, and usage of future operating and maintenance procedures to determine the maximum tolerable sizes for imperfections based upon the pipeline segment maximum allowable operating pressure;

/14./15. Feeder line means a distribution line that has a maximum allowable operating pressure (MAOP) greater than 100 psi (689 kPa) gauge that produces hoop stresses less than twenty percent (20%) of specified minimum yield strength (SMYS);

/15./16. Follow-up inspection means an inspection performed after a repair procedure has been completed in order to determine the effectiveness of the repair and to ensure that all hazardous leaks in the area are corrected;

/16./17. Fuel line means the customer-owned gas piping downstream from the outlet of the customer meter or operator-owned pipeline, whichever is farther downstream;

/17./18. Gas means natural gas, flammable gas, manufactured gas, or gas which is toxic or corrosive;

/18./19. Gathering line means a pipeline that transports gas from a current production facility to a transmission line or main;

/19./20. High-pressure distribution system means a distribution system in which the gas pressure in the main is higher than an equivalent to fourteen inches (14") water column;

/20./21. Hoop stress means the stress in a pipe wall acting circumferentially in a plane perpendicular to the longitudinal axis of the pipe produced by the pressure in the pipe;

/21./22. Listed specification means a specification listed in subsection I. of Appendix B, which is included herein (at the end of this rule);

/22./23. Low-pressure distribution system means a distribution system in which the gas pressure in the main is less than or equal to an equivalent of fourteen inches (14") water column;

/23./24. Main means a distribution line that serves as a common source of supply for more than one (1) service line;

/24./25. Maximum actual operating pressure means the maximum pressure that occurs during normal operations over a period of one (1) year;

/25./26. Maximum allowable operating pressure (MAOP) means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this rule;

/26./27. Moderate consequence area means—

A. An onshore area that is within a "potential impact circle" as defined in 49 CFR 192.903 (incorporated by reference in section (16)), containing either—

(I) Five (5) or more buildings intended for human occupancy; or

(II) Any portion of the paved surface (including shoulders) of a designated "interstate," "other freeway or expressway," as well as any "other principal arterial" roadway with four (4) or more lanes, as defined in the Federal Highway Administration's *Highway Functional Classification Concepts, Criteria and Procedures*, Section 3.1 (see: https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcaub.pdf), and that does not meet the definition of "high consequence area" in 49 CFR 192.903 (incorporated by reference in section (16)); and

rated by reference in section (16)); and

B. The length of the moderate consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle containing either five (5) or more buildings intended for human occupancy; or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes, to the outermost edge of the last contiguous potential impact circle that contains either five (5) or more buildings intended for human occupancy, or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes;

/27./28. Municipality means a city, village, or town;

/28./29. Operator means a person who engages in the transportation of gas;

/29./30. Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative of them;

/30./31. Petroleum gas means propane, propylene, butane (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa) gauge at 100°F (38°C);

/31./32. PHMSA means the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation;

/32./33. Pipe means any pipe or tubing used in the transportation of gas, including pipe-type holders;

/33./34. Pipeline means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

/34./35. Pipeline environment includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion;

/35./36. Pipeline facility means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation;

/36./37. Reading means the highest sustained reading when testing in a bar hole or opening without induced ventilation;

/37./38. Service line means a distribution line that transports gas from a common source of supply to an individual customer, to two (2) adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter;

/38./39. Service regulator means the device on a service line that controls the pressure of gas delivered from a higher pressure to the pressure provided to the customer. A service regulator may serve one (1) customer or multiple customers through a meter header or manifold;

/39./40. SMYS means specified minimum yield strength is—

A. For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

B. For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with paragraph (3)(D)2. (192.107/[b]/(b));

/40./41. Supervisory control and data acquisition (SCADA) system means a computer-based system or systems used by a controller in a control room that collects and displays information about

a pipeline facility and may have the ability to send commands back to the pipeline facility;

[41.]42. Sustained reading means the reading taken on a combustible gas indicator unit after adequately venting the test hole or opening;

[42.]43. Transmission line means a pipeline, other than a gathering line, that—

A. Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.);

B. Operates at a hoop stress of twenty percent (20%) or more of SMYS; or

C. Transports gas within a storage field;

[43.]44. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline or the storage of gas, in or affecting intrastate, interstate, or foreign commerce;

[44.]45. Tunnel means a subsurface passageway large enough for a man to enter;

[45.]46. Vault or manhole means a subsurface structure that a man can enter;

[46.]47. Weak link means a device or method used when pulling polyethylene pipe, typically through methods such as horizontal directional drilling, to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed;

[47.]48. Welder means a person who performs manual or semi-automatic welding;

[48.]49. Welding operator means a person who operates machine or automatic welding equipment; and

[49.]50. Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building means the building nearest to the connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it will be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter will be considered the yard line and any other lines are not considered yard lines.

(D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, **[2019] 2020**, and the subsequent amendment 192-**[125] 128** (published in *Federal Register* on **[October 1, 2019] January 11, 2021**, page **[84] 86 FR [52180] 2210**), the federal regulation at 49 CFR 192.7 is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.7.

2. The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, **[2019] 2020** version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page **[84] 86 FR [52180] 2210** is available at <https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf> <https://www.govinfo.gov/content/pkg/FR-2021-01-11/pdf/2021-00208.pdf>.

3. The regulation at 49 CFR 192.7 provides a listing of the documents that are incorporated by reference partly or wholly in 49 CFR part 192, which is the federal counterpart and foundation for this rule. All incorporated materials are available for inspection from several sources, including the following sources:

A. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. For more information, contact 202-366-4046

or go to the PHMSA website at www.phmsa.dot.gov/pipeline/regs;

B. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to the NARA website at www.archives.gov/federal-register/cfr/ibr-locations.html or call 202-741-6030 or 866-272-6272; and

C. Copies of standards incorporated by reference can also be purchased or are otherwise made available from the respective standards-developing organizations listed in 49 CFR 192.7.

4. Federal amendment 192-94 (published in *Federal Register* on June 14, 2004, page 69 FR 32886) moved the listing of incorporated documents to 49 CFR 192.7 from 49 CFR part 192—Appendix A, which is now “Reserved.” This listing of documents was in Appendix A to this rule prior to the 2008 amendment of this rule. As of the 2008 amendment, Appendix A to this rule is also “Reserved” and included herein.

(E) Gathering Lines. (192.8 and 192.9)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, **[2019] 2020**, and the subsequent amendments 192-**[125] 129** (published in *Federal Register* on **[October 1, 2019] November 15, 2021**, page **[84] 86 FR [52180] 63266**) and 192-**131** (published in *Federal Register* on May 4, 2022, page **86 FR 26296**), the federal regulations at 49 CFR 192.8 and 192.9 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.8 and 192.9.

2. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, **[2019] 2020**, version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page **[84] FR 52180** is available at <https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf> **86 FR 63266** is available at <https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24240.pdf>.

3. The regulations at 49 CFR 192.8 and 192.9 provide the requirements for gathering lines. The requirements for offshore lines are not applicable to Missouri.

4. For purposes of this subsection, the following substitutions should be made for certain references in the federal pipeline safety regulations incorporated by reference in paragraph (1)(E)1.:

A. The references to “part 191 of this chapter” in 49 CFR 192.8 should refer to “20 CSR 4240-40.020” instead.

B. The references to “section 192.18” in 49 CFR 192.8 and 192.9 should refer to “subsection (1)(M) of this rule” instead.

(G) What General Requirements Apply to Pipelines Regulated *[u]nder* this Rule? (192.13)

1. No person may operate a segment of pipeline listed in the first column that is readied for service after the date in the second column, unless—

A. The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this rule; or

B. The pipeline qualifies for use under this rule in accordance with subsection (1)(H). (192.14)

Pipeline	Date
Regulated onshore gathering pipeline to which [49 CFR 192.8 and 192.9] this rule did not apply until April 14, 2006 (see (1)(E))	March 15, 2007
Regulated onshore gathering pipeline to which this rule did not apply until May 16, 2022 (see (1)(E))	May 16, 2023
All other pipelines	March 12, 1971

2. No person may operate a segment of pipeline listed in the first column that is replaced, relocated, or otherwise changed after the date in the second column, unless that replacement, relocation, or change has been made according to the requirements in this rule.

Pipeline	Date
Regulated onshore gathering pipeline to which <i>49 CFR 192.8 and 192.9</i> this rule did not apply until April 14, 2006 (see (1)(E))	March 15, 2007
Regulated onshore gathering pipeline to which this rule did not apply until May 16, 2022 (see (1)(E))	May 16, 2023
All other pipelines	November 12, 1970

3. Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this rule.

4. This section and sections (9), *and* (11)–(17) apply regardless of installation date. The requirements within other sections of this rule apply regardless of the installation date only when specifically stated as such.

(H) Conversion to Service Subject to this Rule. (192.14)

1. Except as provided in paragraph (1)(H)4., a *[steel]* pipeline previously used in service not subject to this rule qualifies for use under this rule if the operator prepares and follows a written procedure to carry out the following requirements:

A. The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation;

B. The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline;

C. All known unsafe defects and conditions must be corrected in accordance with this rule; and

D. The pipeline must be tested in accordance with section (10) to substantiate the maximum allowable operating pressure permitted by section (12).

2. Each operator must keep for the life of the pipeline a record of investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (1)(H)1.

3. An operator converting a pipeline from service not previously covered by this rule must notify PHMSA and designated commission personnel sixty (60) days before the conversion occurs as required by 20 CSR 4240-40.020(11).

4. This paragraph lists situations where steel pipe may not be converted to service subject to this rule.

A. Steel yard lines that are not cathodically protected must be replaced under subsection (15)(C).

B. Buried steel fuel lines that are not cathodically protected may not be converted to a pipeline as defined in subsection (1)(B), such as a service line or main.

C. Buried steel pipes that are not cathodically protected may not be converted to a service line.

D. Buried steel pipes that are not cathodically protected may not be converted to a main in Class 3 and Class 4 locations.

(M) How to Notify PHMSA and Designated Commission Personnel. (192.18)

1. An operator must provide any notification required by this rule by—

A. Sending the notification by electronic mail to InformationResourcesManager@dot.gov; or

B. Sending the notification by mail to ATTN: Information

Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22–321, 1200 New Jersey Ave. SE, Washington, DC 20590.

2. An operator must also notify designated commission personnel by electronic mail to PipelineSafetyProgramManager@psc.mo.gov or by mail to Pipeline Safety Program Manager, Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

3. Unless otherwise specified, if the notification is made pursuant to (1)(E), (9)(G), (10)(K)2., (12)(E)5.D. and E., (12)(M)3.B., (12)(U)3.B.(III) and 3.F., (12)(V)2.C., (13)(DD)3.G., (13)(EE)4.C.(IV) and 5.B.(I)(e), 49 CFR 192.921(a)(7) (incorporated by reference in section (16)), or 49 CFR 192.937(c)(7) (incorporated by reference in section (16)) to use a different integrity assessment method, analytical method, sampling approach, or technique (i.e., “other technology”) that differs from that prescribed in those requirements, the operator must notify PHMSA at least ninety (90) days in advance of using the “other technology.” An operator may proceed to use the “other technology” ninety-one (91) days after submittal of the notification unless it receives a letter from the Associate Administrator for Pipeline Safety informing the operator that PHMSA objects to the proposed use of “other technology” or that PHMSA requires additional time to conduct its review.

(2) Materials.

(B) General. (192.53) Materials for pipe and components must be—

1. Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

2. Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact;

3. Qualified in accordance with the applicable requirements of this section; *and*

4. Only of steel or polyethylene for pipe for the underground construction of pipelines, except that other previously qualified materials may be used for *[—]* **repair of pipe constructed of the same material; and**

[A. Repair of existing facilities constructed of the same material; and

B. Fittings, valves, or other appurtenances attached to the pipe.]

5. Other piping materials may be used with approval of the commission.

(3) Pipe Design.

(I) Design of Plastic Pipe. (192.121)

1. Design *[Formula. Design formulas]* **Pressure. The design pressure for plastic pipe *[are]* is determined in accordance with either of the following formulas:**

$$P = 2 S \frac{t}{(D-t)} \times DF$$

$$P = \frac{2 S}{(SDR-1)} \times DF$$

where

P = Design pressure, psi (kPa) gauge;

S = For thermoplastic pipe, the hydrostatic design base (HDB) is determined in accordance with the listed specification at a temperature equal to 73 °F (23 °C), 100 °F (38 °C), 120 °F (49 °C), or 140 °F (60 °C). In the absence of an HDB established at the specified temperature, the HDB of a higher temperature may be used in determining a design pressure rating at the specified temperature by arithmetic interpolation using the procedure in Part D.2. of PPI TR-3/2008, *HDB/PDB/SDB/MRS Policies* (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

t = Specified wall thickness, inches (millimeters);

D = Specified outside diameter, inches (millimeters); and

SDR = Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10.

DF = Design Factor, a maximum of 0.32 unless otherwise specified for a particular material in this subsection.

2. General Requirements for Plastic Pipe and Components.

A. The design pressure may not exceed a gauge pressure of 100 psi (689 kPa) gauge for plastic pipe.

B. Plastic pipe may not be used where operating temperatures of the pipe will be:

(I) Below -20 °F (-29 °C), or -40 °F (-40 °C) if all pipe and pipeline components whose operating temperature will be below -20 °F (-29 °C) have a temperature rating by the manufacturer consistent with that operating temperature; or

(II) Above the temperature at which the HDB used in the design formula under this subsection is determined.

C. The wall thickness for thermoplastic pipe may not be less than 0.062 inches (1.57 millimeters).

D. All plastic pipe must have a listed HDB in accordance with PPI TR-4/2012 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

3. Polyethylene (PE) Pipe Requirements.

A. The federal regulation at 49 CFR 192.121(c)(1) is not adopted in this rule. (This federal regulation permits higher design pressures for certain types of PE pipe.)

B. For PE pipe produced **on or** after January 22, 2019, a DF of 0.40 may be used in the design formula, provided:

(I) The design pressure does not exceed 100 psig;

(II) The material designation code is PE2708 or PE4710;

(III) The pipe has a nominal size (IPS or CTS) of **[12] 24** inches or less; and

(IV) The wall thickness for a given outside diameter is not less than that listed in the following table:

PE Pipe: Minimum Wall Thickness and SDR Values		
Pipe Size (inches)	Minimum wall thickness (inches)	Corresponding SDR (values)
½" CTS	0.090	7
¾" CTS	0.090	9.7
½" IPS	0.090	9.3
¾" IPS	0.095	11
1" CTS	[0.119] 0.099	11
1" IPS	0.119	11
1 ¼" IPS	0.151	11
1 ½" IPS	0.173	11
2"	0.216	11
3"	0.259	13.5
4"	0.265	17
6"	0.315	21
8"	0.411	21
10"	0.512	21
12"	0.607	21
16"	0.762	21
18"	0.857	21
20"	0.952	21
22"	1.048	21
24"	1.143	21

4. The federal regulations at 49 CFR 192.121(d) through (f) are not adopted in this rule. (Those federal regulations address design requirements for types of plastic pipe other than PE pipe.)

(4) Design of Pipeline Components.

(H) Components Fabricated by Welding. (192.153)

1. Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 of the *ASME Boiler and Pressure Vessel Code* (Section VIII, Division 1) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

2. Each prefabricated unit that uses plate and longitudinal seams must be designated, constructed, and tested in accordance with *[section 1 of] the ASME Boiler and Pressure Vessel Code (Rules for Construction of Pressure Vessels as defined in either Section VIII, Division 1 or 2) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D))*, except for the following:

A. Regularly manufactured butt-welding fittings;

B. Pipe that has been produced and tested under a specification listed in Appendix B to this rule;

C. Partial assemblies such as split rings or collars; and

D. Prefabricated units that the manufacturer certifies have been tested to at least twice the maximum pressure to which they will be subjected under the anticipated operating conditions.

3. Orange-peel bull plugs and orange-peel swages may not be used on pipelines that are to operate at a hoop stress of twenty percent (20%) or more of the SMYS of the pipe.

4. Except for flat closures designed in accordance with the *ASME Boiler and Pressure Vessel Code* (Section VIII, Division 1 or 2) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), flat closures and fish tails may not be used on pipe that either operates at 100 psi (689 kPa) gauge or more, or is more than three inches (3") (76 millimeters) nominal diameter.

5. *[A component having] The test requirements for a prefabricated unit or pressure vessel, defined for this paragraph as components with a design pressure established in accordance with paragraph (4)(H)1. or 2. [and subject to the strength testing requirements of paragraph (10)(C)2. must be tested to at least one and one-half (1.5) times the MAOP.] are as follows:*

A. A prefabricated unit or pressure vessel installed after July 14, 2004, is not subject to the strength testing requirements of paragraph (10)(C)2. provided the component has been tested in accordance with paragraph (4)(H)1. or 2. and with a test factor of at least 1.3 times MAOP;

B. A prefabricated unit or pressure vessel must be tested for a duration specified as follows:

(I) A prefabricated unit or pressure vessel installed after July 14, 2004, but before October 1, 2021, is exempt from paragraphs (10)(C)3. and 4. and paragraph (10)(D)3. provided it has been tested for a duration consistent with the ASME BPVC requirements referenced in paragraph (4)(H)1. or 2; and

(II) A prefabricated unit or pressure vessel installed on or after October 1, 2021, must be tested for the duration specified in either paragraph (10)(C)3. or 4., (10)(D)3., or (10)(E)1., whichever is applicable for the pipeline in which the component is being installed;

C. For any prefabricated unit or pressure vessel permanently or temporarily installed on a pipeline facility, an operator must either—

(I) Test the prefabricated unit or pressure vessel in accordance with this subsection and section (10) after it has been placed on its support structure at its final installation location. The test may be performed before or after it has been tied-in to the pipeline. Test records that meet paragraph (10)(I)1. must be kept for the operational life of the prefabricated unit or pressure vessel; or

(II) For a prefabricated unit or pressure vessel that is pressure tested prior to installation or where a manufacturer's pressure test is used in accordance with paragraph (4)(H)5., inspect the prefabricated unit or pressure vessel after it has been placed on its support structure at its final installation location and confirm that the prefabricated unit or pressure vessel was not damaged during any prior operation, transportation, or installation into the pipeline. The inspection procedure and documented inspection must include visual inspection for vessel damage, including, at a minimum, inlets, outlets, and lifting locations. Injurious defects that are an integrity threat may include dents, gouges, bending, corrosion, and cracking. This inspection must be performed prior to operation but may be performed either before or after it has been tied-in to the pipeline. If injurious defects that are an integrity threat are found, the prefabricated unit or pressure vessel must be either non-destructively tested, re-pressure tested, or remediated in accordance with the applicable requirements in this rule for a fabricated unit or with the applicable ASME BPVC requirements referenced in paragraphs (4)(H)1. or 2. Test, inspection, and repair records for the fabricated unit or pressure vessel must be kept for the operational life of the component. Test records must meet the requirements in paragraph (10)(I)1.;

D. An initial pressure test from the prefabricated unit or pressure vessel manufacturer may be used to meet the requirements of this subsection with the following conditions:

(I) The prefabricated unit or pressure vessel is newly-manufactured and installed on or after October 1, 2021, except as provided in part (4)(H)5.D.(II);

(II) An initial pressure test from the fabricated unit or pressure vessel manufacturer or other prior test of a new or existing prefabricated unit or pressure vessel may be used for a component that is temporarily installed in a pipeline facility in order to complete a testing, integrity assessment, repair, odorization, or emergency response-related task, including noise or pollution abatement. The temporary component must be promptly removed after that task is completed. If operational and environmental constraints require leaving a temporary prefabricated unit or pressure vessel under this paragraph in place for longer than thirty (30) days, the operator must notify PHMSA and designated commission personnel in accordance with subsection (1)(M);

(III) The manufacturer's pressure test must meet the minimum requirements of this rule; and

(IV) The operator inspects and remediates the prefabricated unit or pressure vessel after installation in accordance with part (4)(H)5.C.(II);

E. An existing prefabricated unit or pressure vessel that is temporarily removed from a pipeline facility to complete a testing, integrity assessment, repair, odorization, or emergency response-related task, including noise or pollution abatement, and then reinstalled at the same location must be inspected in accordance with part (4)(H)5.C.(II); however, a new pressure test is not required provided no damage or threats to the operational integrity of the prefabricated unit or pressure vessel were identified during the inspection and the MAOP of the pipeline is not increased; and

F. Except as provided in part (4)(H)5.D.(II) and subparagraph (4)(H)5.E., on or after October 1, 2021, an existing prefabricated unit or pressure vessel relocated and operated at a different location must meet the requirements of this rule and the following:

(I) The prefabricated unit or pressure vessel must be designed and constructed in accordance with the requirements of this rule at the time the vessel is returned to operational service at the new location; and

(II) The prefabricated unit or pressure vessel must be pressure tested by the operator in accordance with the testing

and inspection requirements of this rule applicable to newly installed prefabricated units and pressure vessels.

(HH) Passage of Internal Inspection Devices. (192.150)

1. Except as provided in paragraphs (4)(HH)2. and (4)(HH)3., each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices in accordance with NACE SP0102, section 7 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

2. This subsection does not apply to—

A. Manifolds;

B. Station piping such as at compressor stations, meter stations, or regulator stations;

C. Piping associated with storage facilities, other than a continuous run of transmission line between a compressor station and storage facilities;

D. Cross-overs;

E. Sizes of pipe for which an instrumented internal inspection device is not commercially available;

F. Transmission lines, operated in conjunction with a distribution system which are installed in Class 4 locations; *and*

G. Gathering lines; and

/G./H. Other piping that, under 49 CFR 190.9, the administrator finds in a particular case would be impracticable to design and construct to accommodate the passage of instrumented internal inspection devices.

3. An operator encountering emergencies, construction time constraints, or other unforeseen construction problems need not construct a new or replacement segment of a transmission line to meet paragraph (4)(HH)1., if the operator determines and documents why an impracticability prohibits compliance with paragraph (4)(HH)1. Within thirty (30) days of discovering the emergency or construction problem, the operator must petition, under 49 CFR 190.9, for approval that design and construction to accommodate passage of instrumented internal inspection devices would be impracticable. If the petition is denied, within one (1) year after the date of the notice of the denial, the operator must modify that segment to allow passage of instrumented internal inspection devices.

(5) Welding of Steel in Pipelines.

(E) Limitations on Welders and Welding Operators. (192.229)

1. No welder or welding operator whose qualification is based on nondestructive testing may weld compressor station pipe and components.

2. A welder or welding operator may not weld with a particular welding process unless, within the preceding six (6) calendar months, the welder or welding operator was engaged in welding with that process. **Alternatively, welders or welding operators may demonstrate they have engaged in a specific welding process if they have performed a weld with that process that was tested and found acceptable under section 6, section 9, section 12, or Appendix A of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) within the preceding seven and one-half (7 1/2) months.**

3. A welder or welding operator qualified under paragraph (5)(D)1. (192.227/[a]/(a))—

A. May not weld on pipe to be operated at a pressure that produces a hoop stress of twenty percent (20%) or more of SMYS unless within the preceding six (6) calendar months the welder or welding operator has had one (1) weld tested and found acceptable under section 6, section 9, section 12, or Appendix A of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). Alternatively, welders or welding operators may maintain an ongoing qualification status by performing welds tested and found acceptable under the above acceptance criteria at least twice each calendar year, but at intervals not exceeding seven and one-half (7 1/2) months. A welder or welding operator

qualified under an earlier edition of a standard listed in 49 CFR 192.7 (see subsection (1)(D)) may weld, but may not requalify under that earlier edition; and

B. May not weld on pipe to be operated at a pressure that produces a hoop stress of less than twenty percent (20%) of SMYS unless the welder or welding operator is tested in accordance with subparagraph (5)(E)3.A. or requalifies under subparagraph (5)(E)4.A. or B.

4. A welder or welding operator qualified under paragraph (5)(D)2. may not weld unless—

A. Within the preceding fifteen (15) calendar months, but at least once each calendar year, the welder or welding operator has requalified under paragraph (5)(D)2.; or

B. Within the preceding seven and one-half (7 1/2) calendar months, but at least twice each calendar year, the welder or welding operator has had—

(I) A production weld cut out, tested, and found acceptable in accordance with the qualifying test; or

(II) For a welder who works only on service lines two inches (2") (51 millimeters) or smaller in diameter, two (2) sample welds tested and found acceptable in accordance with the test in subsection III. of Appendix C to this rule.

(6) Joining of Materials Other Than by Welding.

(F) Plastic Pipe (192.281)

1. General. A plastic pipe joint that is joined by solvent cement, adhesive, or heat fusion may not be disturbed until it has properly set. Plastic pipe may not be joined by a threaded joint or miter joint.

2. Solvent cement joints. Each solvent cement joint on plastic pipe must comply with the following:

A. The mating surfaces of the joint must be clean, dry, and free of material which might be detrimental to the joint;

B. The solvent cement must conform to ASTM D 2564-12 for PVC (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)); and

C. The joint may not be heated or cooled to accelerate the setting of the cement.

3. Heat-fusion joints. Each heat-fusion joint on a PE pipe or component, except for electrofusion joints, must comply with ASTM F2620/-12/ (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), **or an alternative written procedure that has been demonstrated to provide an equivalent or superior level of safety and has been proven by test or experience to produce strong gastight joints**, and the following:

A. A butt heat-fusion joint must be joined by a device that holds the heater element square to the ends of the pipe or component, compresses the heated ends together, and holds the pipe in proper alignment in accordance with the appropriate procedure qualified under subsection (6)(G);

B. A socket heat-fusion joint must be joined by a device that heats the mating surfaces of the pipe or component uniformly and simultaneously to establish the same temperature. The device used must be the same device specified in the operator's joining procedure for socket fusion;

C. An electrofusion joint must be made using the equipment and techniques prescribed by the fitting manufacturer or using equipment and techniques shown, by testing joints to the requirements of part (6)(G)1.A.(III), to be equivalent or better than the requirements of the fitting manufacturer; and

D. Heat may not be applied with a torch or other open flame.

4. Mechanical joints. Each compression type mechanical joint on plastic pipe must comply with the following:

A. The gasket material in the coupling must be compatible with the plastic;

B. A rigid internal tubular stiffener, other than a split tubular stiffener, must be used in conjunction with the coupling;

C. All mechanical fittings must meet a listed specification based upon the applicable material; and

D. All mechanical joints or fittings installed after April 22, 2019, must be Category 1 as defined by a listed specification for the applicable material, providing a seal plus resistance to a force on the pipe joint equal to or greater than that which will cause no less than **twenty-five percent (25%)** elongation of pipe, or the pipe fails outside the joint area if tested in accordance with the applicable standard.

(G) Plastic Pipe—Qualifying Joining Procedures. (192.283)

1. Heat fusion, solvent cement, and adhesive joints. Before any written procedure established under paragraph (6)(B)2. is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified by subjecting specimen joints made according to the procedure to the following tests, as applicable:

A. The test requirements of—

(I) In the case of thermoplastic pipe, based on the pipe material, the Sustained Pressure Test or the Minimum Hydrostatic Burst Test per the listed specification requirements. Additionally, for electrofusion joints, based on the pipe material, the Tensile Strength Test or the Joint Integrity Test per the listed specification;

(II) *(Reserved)*;

(III) In the case of electrofusion fittings for polyethylene pipe and tubing, paragraph 9.1 (Minimum Hydraulic Burst Pressure Test), paragraph 9.2 (Sustained Pressure Test), paragraph 9.3 (Tensile Strength Test), or paragraph 9.4 (Joint Integrity Tests) of ASTM F1055-98(2006) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

B. For procedures intended for lateral pipe connections, subject a specimen joint made from pipe sections joined at right angles according to the procedure to a force on the lateral pipe until failure occurs in the specimen. If failure initiates outside the joint area, the procedure qualifies for use; and

C. For procedures intended for non-lateral pipe connections, perform **tensile** testing in accordance with a listed specification. If the test specimen elongates no less than twenty-five percent (25%) or failure initiates outside the joint area, the procedure qualifies for use.

2. Mechanical joints. Before any written procedure established under paragraph (6)(B)2. is used for making mechanical plastic pipe joints, the procedure must be qualified in accordance with a listed specification based upon the pipe material.

3. A copy of each written procedure being used for joining plastic pipe must be available to the persons making and inspecting joints.

(H) Plastic Pipe—Qualifying Persons to Make Joints. (192.285)

1. No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by—

A. Appropriate training or experience in the use of the procedure; and

B. Making a specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (6)(H)2.

2. The specimen joint must be—

A. Visually examined during and after assembly or joining and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure; and

B. In the case of a heat fusion, solvent cement, or adhesive joint—

(I) Tested under any one (1) of the test methods listed under paragraph (6)(G)1. (192.283/[a]/(a)), *[or]* and for polyethylene heat fusion joints (except for electrofusion joints) visually inspected *[and tested]* in accordance with ASTM F2620/-12/ (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), **or a written procedure that has been demonstrated to provide an equivalent or superior level of safety**, applicable to the type of joint and material being tested;

(II) Examined by ultrasonic inspection and found not to contain flaws that would cause failure; or

(III) Cut into at least three (3) longitudinal straps, each of which is—

(a) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(b) Deformed by bending, torque, or impact and, if failure occurs, it must not initiate in the joint area.

3. A person must be requalified under an applicable procedure once each calendar year at intervals not exceeding fifteen (15) months, or after any production joint is found unacceptable by testing under subsection (10)(G). (192.513)

4. Each operator shall establish a method to determine that each person making joints in plastic pipelines in the operator's system is qualified in accordance with this subsection.

5. For transmission pipe installed after July 1, 2021, records demonstrating each person's plastic pipe joining qualifications at the time of construction in accordance with this section must be retained for a minimum of five (5) years following construction.

(9) Requirements for Corrosion Control.

(B) How Does this Section Apply to Converted Pipelines and Regulated Onshore Gathering Lines? (192.452)

1. Converted pipelines. Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this rule in accordance with subsection (1)(H) must have a cathodic protection system designed to protect the pipeline in its entirety in accordance with subsection (9)(H) within one (1) year after the pipeline is readied for service.

2. *[Regulated] Type A and B* onshore gathering lines. For any *[regulated] Type A and B* onshore gathering line *[to which 49 CFR 192.8 and] under 49 CFR 192.9 [did not apply until] existing on April 14, 2006, that was not previously subject to this part*, and for any gathering line that becomes a regulated onshore gathering line under subsection (1)(E) **of this rule (192.9) after April 14, 2006**, because of a change in class location or increase in dwelling density/:—

A. The requirements of this section specifically applicable to pipelines installed before August 1, 1971, apply to the gathering line regardless of the date the pipeline was actually installed; and

B. The requirements of this section specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements.

3. **Type C onshore regulated gathering lines. For any Type C onshore regulated gathering pipeline under subsection (1)(E) of this rule (192.9) existing on May 16, 2022, that was not previously subject to this rule, and for any Type C onshore gas gathering pipeline that becomes subject to section (9) after May 16, 2022, because of an increase in MAOP, change in class location, or presence of a building intended for human occupancy or other impacted site—**

A. The requirements of section (9) specifically applicable to pipelines installed before August 1, 1971, apply to the gathering line regardless of the date the pipeline was actually installed; and

B. The requirements of section (9) specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements.

4. **Regulated onshore gathering lines generally. Any gathering line that is subject to section (9) per subsection (1)(E) of this rule or 49 CFR 192.9 at the time of construction must meet the requirements of section (9) applicable to pipelines installed after July 31, 1971.**

(I) External Corrosion Control—Monitoring. (192.465)

1. Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding fifteen (15) months, to determine whether the cathodic protection meets the requirements of subsection (9)(H) **of this rule**. (192.463) However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of

one hundred feet (100') (thirty meters (30 m)), or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least twenty percent (20%) of these protected structures, distributed over the entire system, must be surveyed each calendar year, with a different twenty percent (20%) checked each subsequent year, so that the entire system is tested in each five- (5-) year period. Each short section of metallic pipe less than one hundred feet (100') (thirty meters (30 m)) in length installed and cathodically protected in accordance with paragraph (9)(R)2. **of this rule (192.483/[b]/(b))**, each segment of pipe cathodically protected in accordance with paragraph (9)(R)3. **of this rule (192.483/[c]/(c))** and each electrically isolated metallic fitting not meeting the requirements of paragraph (9)(D)5. **of this rule (192.455/[f]/(f))** must be monitored at a minimum rate of ten percent (10%) each calendar year, with a different ten percent (10%) checked each subsequent year, so that the entire system is tested every ten (10) years.

2. **Cathodic protection rectifiers and impressed current power sources must be periodically inspected as follows:**

[2.]A. Each cathodic protection rectifier or other impressed current power source must be inspected six (6) times each calendar year, but with intervals not exceeding two and one-half (2 1/2) months *[to ensure that it is operating.] between inspections, to ensure adequate amperage and voltage levels needed to provide cathodic protection are maintained. This may be done either through remote measurement or through an onsite inspection of the rectifier; and*

B. After January 1, 2022, each remotely inspected rectifier must be physically inspected for continued safe and reliable operation at least once each calendar year, but with intervals not exceeding fifteen (15) months.

3. Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six (6) times each calendar year, but with intervals not exceeding two and one-half (2 1/2) months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding fifteen (15) months.

4. Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring set forth in paragraphs (9)(I)1.–3. Corrective measures must be completed within six (6) months unless otherwise approved by designated commission personnel.

5. After the initial evaluation required by paragraphs (9)(D)2. and (9)(E)2., each operator must, not less than every three (3) years at intervals not exceeding thirty-nine (39) months, reevaluate its unprotected pipelines and cathodically protect them in accordance with section (9) in areas in which active corrosion is found. Unprotected steel service lines are subject to replacement pursuant to subsection (15)(C). The operator must determine the areas of active corrosion by electrical survey. However, on distribution lines and where an electrical survey is impractical on transmission lines, areas of active corrosion may be determined by other means that include review and analysis of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, the pipeline environment, and by instrument leak detection surveys (see subsections (13)(D) and (13)(M)). When the operator conducts electrical surveys, the operator must demonstrate that the surveys effectively identify areas of active corrosion.

(V) Corrosion Control Records. (192.491)

1. Each operator shall maintain records or maps to show the location of cathodically protected piping, cathodic protection facilities, galvanic anodes, and neighboring structures bonded to the cathodic protection system. Records or maps showing a stated number of anodes, installed in a stated manner or spacing, need not show specific distances to each buried anode. Each operator shall develop and maintain maps showing, at a minimum/:/, the location of cathodically protected mains (except for short sections less than one hundred feet (100') in length); feeder lines; and transmission lines; and

all cathodic protection facilities such as rectifiers, test points (except for service riser locations that are not used each year), electrical isolating devices that separate protection zones, and interference bonds.

2. Each record or map required by paragraph (9)(V)1. must be retained for as long as the pipeline remains in service.

3. Each operator shall maintain a record of each test, survey, inspection, and remedial action required by this section in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist. These records must be retained for at least five (5) years, *except that* with the following exceptions:

A. Operators must retain records related to paragraphs (9)(I)1., (9)(I)4., (9)(I)5., and (9)(N)2. *[must be retained]* for as long as the pipeline remains in service.; and

B. Operators must retain records of atmospheric corrosion inspections of each pipeline that is being inspected under paragraph (9)(Q) for the longer of the two (2) most recent atmospheric corrosion inspections or five (5) years.

(10) Test Requirements.

(D) Test Requirements for Pipelines to Operate at a Hoop Stress Less Than Thirty Percent (30%) of SMYS and */a/At* or Above One Hundred (100) psi (689 kPa) Gauge. (192.507) Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than thirty percent (30%) of SMYS and at or above one hundred (100) psi (689 kPa) gauge must be tested in accordance with subparagraph (12)(M)1.B. and the following:

1. The pipeline operator must use a test procedure that will ensure discovery of all potentially hazardous leaks in the segment being tested;

2. If, during the test, the segment is to be stressed to twenty percent (20%) or more of SMYS and natural gas, inert gas, or air is the test medium—

A. A leak test must be made at a pressure between one hundred (100) psi (689 kPa) gauge and the pressure required to produce a hoop stress of twenty percent (20%) of SMYS; or

B. The line must be walked to check for leaks while the hoop stress is held at approximately twenty percent (20%) of SMYS;

3. The pressure must be maintained at or above the test pressure for at least one (1) hour.; and

4. For fabricated units and short sections of pipe for which a post-installation test is impractical, a pre-installation pressure test must be conducted in accordance with the requirements of this subsection.

(12) Operations.

(I) Damage Prevention Program. (192.614)

1. Except for pipelines listed in paragraphs (12)(I)6. and 7., each operator of a buried pipeline shall carry out in accordance with this subsection a written program to prevent damage to that pipeline by excavation activities. For the purpose of this subsection, excavation activities include excavation, blasting, boring, tunneling, back-filling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations. Particular attention should be given to excavation activities in close proximity to cast iron mains with remedial actions taken as required by subsection (13)(Z) of this rule. (192.755).

2. An operator may perform any of the duties specified in paragraph (12)(I)3. through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this subsection. However, an operator must perform the duties of subparagraph (12)(I)3.D. through participation in the qualified one-call system for Missouri. An operator's pipeline system must be covered by the qualified one-call system for Missouri.

3. The damage prevention program required by paragraph (12)(I)1. must, at a minimum—

A. Include the identity, on a current basis, of persons who

normally engage in excavation activities in the area in which the pipeline is located. A listing of persons involved in excavation activities shall be maintained and updated at least once each calendar year with intervals not exceeding fifteen (15) months. If an operator chooses to participate in an excavator education program of a one-call notification center, as provided for in subparagraphs (12)(I)3.B. and C., then such updated listing shall be provided to the one-call notification center *[prior to December 1 of each calendar year]* **within the one-call notification center participation renewal period.** This list should at least include, but not be limited to, the following:

(I) Excavators, contractors, construction companies, engineering firms, etc.—Identification of these should at least include a search of the phone book yellow pages, checking with the area and/or state office of the Associated General Contractors, and checking with the operating engineers local union hall(s);

(II) Telephone company;

(III) Electric utilities and co-ops;

(IV) Water and sewer utilities;

(V) City governments;

(VI) County governments;

(VII) Special road districts;

(VIII) Special water and sewer districts; and

(IX) Highway department district(s);

B. Provide for at least a semiannual general notification of the public in the vicinity of the pipeline. Provide for actual notification of the persons identified in subparagraph (12)(I)3.A., at least once each calendar year at intervals not exceeding fifteen (15) months by registered or certified mail, or notification through participation in an excavator education program of a one-call notification center meeting the requirements of subparagraph (12)(I)3.C. Mailings to excavators shall include a copy of the applicable sections of Chapter 319, RSMo, or a summary of the provisions of Chapter 319, RSMo, approved by designated commission personnel, concerning underground facility safety and damage prevention pertaining to excavators. The operator's public notifications and excavator notifications shall include information concerning the existence and purpose of the operator's damage prevention program, as well as information on how to learn the location of underground pipelines before excavation activities are begun;

C. In order to provide for an operator's compliance with the excavator notification requirements of subparagraph (12)(I)3.B., a one-call system's excavator education program must—

(I) Maintain and update a comprehensive listing of excavators who use the one-call notification center and who are identified by the operators pursuant to the requirements of subparagraph (12)(I)3.A.;

(II) Provide for at least semiannual educational mailings to the excavators named on the comprehensive listing maintained pursuant to part (12)(I)3.C.(I), by first class mail; and

(III) Provide for inclusion of the following in at least one (1) of the semiannual mailings specified in part (12)(I)3.C.(II): Chapter 319, RSMo, or a summary of the provisions of Chapter 319, RSMo, approved by designated commission personnel, concerning underground facility safety and damage prevention which pertain to excavators; an explanation of the types of temporary markings normally used to identify the approximate location of underground facilities; and a description of the availability and proper use of the one-call system's notification center;

D. Provide a means of receiving and recording notification of planned excavation activities;

E. Include maintenance of records for subparagraphs (12)(I)3.B.–D. as follows:

(I) Copies of the two (2) most recent annual notifications sent to excavators identified in subparagraph (12)(I)3.A., or the four (4) most recent semiannual notifications sent in accordance with subparagraph (12)(I)3.C., must be retained;

(II) Copies of notifications required in subparagraph

(12)(I)3.D. shall be retained for at least two (2) years. At a minimum, these records should include the date and the time the request was received, the actions taken pursuant to the request, and the date the response actions were taken; and

(III) Copies of notification records required by Chapter 319, RSMo, to be maintained by the notification center shall be available to the operator for at least five (5) years;

F. If the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings;

G. Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins; and

H. Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(I) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(II) In the case of blasting, any inspection must include leakage surveys.

4. Each notification identified in subparagraph (12)(I)3.D. should be evaluated to determine the need for and the extent of inspections. The following factors should be considered in determining the need for and extent of those inspections:

A. The type and duration of the excavation activity involved;

B. The proximity to the operator's facilities;

C. The type of excavating equipment involved;

D. The importance of the operator's facilities;

E. The type of area in which the excavation activity is being performed;

F. The potential for serious incident should damage occur;

G. The prior history of the excavator with the operator; and

H. The potential for damage occurring which may not be easily recognized by the excavator.

5. The operator should pay particular attention, during and after excavation activities, to the possibility of joint leaks and breaks due to settlement when excavation activities occur near cast iron and threaded-coupled steel.

6. A damage prevention program under this subsection is not required for the following pipelines:

A. Pipelines to which access is physically controlled by the operator; and

B. Pipelines that are part of a petroleum gas system subject to subsection (1)(F) of this rule (192.11) or part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association.

7. Pipelines operated by persons other than municipalities (including operators of master meters) whose primary activity does not include the transportation of gas need not comply with the following:

A. The requirement of paragraph (12)(I)1. that the damage prevention program be written; and

B. The requirements of subparagraphs (12)(I)3.A., (12)(I)3.B., and (12)(I)3.C.

(M) Maximum Allowable Operating Pressure—Steel or Plastic Pipelines. (192.619 and 192.620)

1. Except as provided in paragraphs (12)(M)3., 4., and 6., no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

A. The design pressure of the weakest element in the segment, determined in accordance with sections (3) and (4). However, for steel pipe in pipelines being converted under subsection (1)(H) or uprated under section (11), if any variable necessary to determine the design pressure under the design formula in subsection (3)(C) is unknown, one (1) of the following pressures is to be used as design pressure:

(I) Eighty percent (80%) of the first test pressure that pro-

duces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), reduced by the appropriate factor in part (12)(M)1.B.(II); or

(II) If the pipe is twelve and three-quarter inches (12 3/4") (three hundred twenty-four (324) mm) or less in outside diameter and is not tested to yield under this paragraph, two hundred (200) psi (one thousand three hundred seventy-nine (1379) kPa) gauge;

B. The pressure obtained by dividing the highest pressure to which the segment was tested after construction or uprated as follows:

(I) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5; and

(II) For steel pipe operated at one hundred (100) psi (six hundred eighty-nine (689) kPa) gauge or more, the test pressure is divided by a factor determined in accordance with the following table:

Class Location	Factors ^{1,2} , /s/Segment -			
	Installed before Nov. 12, 1970	Installed after Nov. 11, 1970, and before July 1, 2020	Installed on or after July 1, 2020	Converted under subsection (1)(H) (192.14)
1	1.1	1.1	1.25	1.25
2	1.25	1.25	1.25	1.25
3	1.4	1.5	1.5	1.5
4	1.4	1.5	1.5	1.5

¹ For segments installed, uprated, or converted after July 31, 1977, that are located on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

² For a component with a design pressure established in accordance with paragraphs (4)(H)1. or (4)(H)2. of this rule (192.153(a) or (b)) installed after July 14, 2004, the factor is 1.3;

C. The highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested in accordance with subparagraph (12)(M)1.B. after the applicable date in the third column or the segment was uprated in accordance with section (11); **and**

Pipeline Segment	Pressure Date	Test Date
Onshore regulated gathering pipeline (Type A or Type B under 49 CFR 192(b)) that first became subject to [49 CFR 192.8 and 192.9] this rule after April 13, 2006 (see subsection (1)(E)).	March 15, 2006, or date line becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
Onshore regulated gathering pipeline (Type C under 49 CFR 192.9(d)) that first became subject to this rule on or after May 16, 2022.	May 16, 2023, or date pipeline becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
Onshore transmission pipeline that was a gathering line not subject to [49 CFR 192.8 and 192.9] this rule before March 15, 2006 (see subsection (1)(E)).	March 15, 2006, or date pipeline becomes subject to this rule, whichever is later.	[March 15, 2001] Five (5) years preceding applicable date in second column.
All other pipelines.	July 1, 1970	July 1, 1965

D. The pressure determined by the operator to be the maximum safe pressure after considering and accounting for records of material properties, including material properties verified in accordance with subsection (12)(E), if applicable, and the history of the pipeline segment, including known corrosion and the actual operating pressure.

2. No person may operate a segment of pipeline to which this subsection applies unless overpressure protective devices are installed for the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with subsection (4)(CC) of this rule. (192.195)

3. The requirements on pressure restrictions in this subsection do not apply in the following instances:

A. An operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column of the table in subparagraph

(12)(M)1.C. An operator must still comply with subsection (12)(G)/.; and

B. For any Type C gas gathering pipeline under subsection (1)(E) of this rule (192.9) existing on or before May 16, 2022, that was not previously subject to this rule and the operator cannot determine the actual operating pressure of the pipeline for the five (5) years preceding May 16, 2023, the operator may establish MAOP using other criteria based on a combination of operating conditions, other tests, and design with approval from PHMSA. The operator must notify PHMSA in accordance with subsection (1)(M) of this rule (192.18). The notification must include the following information:

(I) The proposed MAOP of the pipeline;

(II) Description of pipeline segment for which alternate methods are used to establish MAOP, including diameter, wall thickness, pipe grade, seam type, location, endpoints, other pertinent material properties, and age;

(III) Pipeline operating data, including operating history

and maintenance history;

(IV) Description of methods being used to establish MAOP;

(V) Technical justification for use of the methods chosen to establish MAOP; and

(VI) Evidence of review and acceptance of the justification by a qualified technical subject matter expert.

4. No person may operate a pipeline at a pressure that results in a hoop stress greater than seventy-two percent (72%) of SMYS.

5. Notwithstanding the requirements in paragraphs (12)(M)1. through 4., operators of steel transmission pipelines that meet the criteria specified in paragraph (12)(U)1. must establish and document the maximum allowable operating pressure in accordance with subsection (12)(U).

6. Operators of steel transmission pipelines must make and retain records necessary to establish and document the MAOP of each pipeline segment in accordance with paragraphs (12)(M)1. through 5. as follows:

A. Operators of pipelines in operation as of July 1, 2020, must retain any existing records establishing MAOP for the life of the pipeline;

B. Operators of pipelines in operation as of July 1, 2020, that do not have records establishing MAOP and are required to reconfirm MAOP in accordance with subsection (12)(U), must retain the records reconfirming MAOP for the life of the pipeline; and

C. Operators of pipelines placed in operation after July 1, 2020, must make and retain records establishing MAOP for the life of the pipeline.

7. Alternative maximum allowable operating pressure for certain steel pipelines. (192.620) The federal regulations at 49 CFR 192.620 are not adopted in this rule.

(13) Maintenance.

(BB) Pressure Regulating, Limiting, and Overpressure Protection—Individual Service Lines Directly Connected to *[Production,] Regulated Gathering, or* Transmission Pipelines. (192.740)

1. This subsection applies, except as provided in paragraph (13)(BB)3., to any service line directly connected to a *[production, gathering, or]* transmission pipeline **or regulated gathering pipeline as determined in subsection (1)(E) of this rule (192.8)** that is not operated as part of a distribution system.

2. Each pressure regulating or limiting device, relief device (except rupture discs), automatic shutoff device, and associated equipment must be inspected and tested at least once every three (3) calendar years, not exceeding thirty-nine (39) months, to determine that it is:*—*

A. In good mechanical condition;

B. Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

C. Set to control or relieve at the correct pressure consistent with the pressure limits of *[paragraph] subsection (4)(DD)(2.)*; and to limit the pressure on the inlet of the service regulator to sixty (60) psi (414 kPa) gauge or less in case the upstream regulator fails to function properly; and

D. Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

3. This subsection does not apply to equipment installed on *[service lines.]—*

A. A service line that only serves engines that power irrigation pumps*./; or*

B. A service line directly connected to either a production or gathering pipeline other than a regulated gathering line as determined in subsection (1)(E) of this rule (192.8).

(17) Gas Distribution Pipeline Integrity Management (IM).

(B) What Do the Regulations in this Section Cover? (192.1003)

1. General. Unless exempted in paragraph (17)(B)2., this sec-

tion prescribes minimum requirements for an IM program for any gas distribution pipeline covered under this rule, including liquefied petroleum gas systems. A gas distribution operator*./, other than a master meter operator,]* must follow the requirements in *[subsections (17)(C)–(G). A master meter operator must follow the requirements in subsection (17)(H)]* section (17).

2. Exceptions. Section (17) does not apply to *[an individual service line directly connected to a transmission, gathering, or production pipeline.]—*

A. Individual service lines directly connected to a production line or a gathering line other than a regulated onshore gathering line as determined in subsection (1)(E) of this rule (192.8);

B. Individual service lines directly connected to either a transmission or regulated gathering pipeline and maintained in accordance with paragraphs (13)(BB)1. and 2. of this rule (192.740(a) and (b)); and

C. Master meter systems.

(C) What Must a Gas Distribution Operator (Other than a *[Master Meter] Small LPG* Operator) Do to Implement this Section? (192.1005) No later than August 2, 2011, a gas distribution operator must develop and implement an integrity management program that includes a written integrity management plan as specified in subsection (17)(D).

(D) What Are the Required Elements of an Integrity Management Plan? (192.1007) A written integrity management plan must contain procedures for developing and implementing the following elements:

1. Knowledge. An operator must demonstrate an understanding of its gas distribution system developed from reasonably available information.

A. Identify the characteristics of the pipeline's design and operations and the environmental factors that are necessary to assess the applicable threats and risks to its gas distribution pipeline.

B. Consider the information gained from past design, operations, and maintenance.

C. Identify additional information needed and provide a plan for gaining that information over time through normal activities conducted on the pipeline (e.g., design, construction, operations, or maintenance activities).

D. Develop and implement a process by which the IM program will be reviewed periodically and refined and improved as needed.

E. Provide for the capture and retention of data on any new pipeline installed. The data must include, at a minimum, the location where the new pipeline is installed and the material of which it is constructed*./;*

2. Identify threats. The operator must consider the following categories of threats to each gas distribution pipeline: corrosion (**including atmospheric corrosion**), natural forces, excavation damage, other outside force damage, material or welds, equipment failure, incorrect operations, and other *[concerns] issues* that could threaten the integrity of its pipeline. An operator must consider reasonably available information to identify existing and potential threats. Sources of data may include, but are not limited to, incident and leak history, corrosion control records (**including atmospheric corrosion records**), continuing surveillance records, patrolling records, maintenance history, and excavation damage experience*./;*

3. Evaluate and rank risk. An operator must evaluate the risks associated with its distribution pipeline. In this evaluation, the operator must determine the relative importance of each threat and estimate and rank the risks posed to its pipeline. This evaluation must consider each applicable current and potential threat, the likelihood of failure associated with each threat, and the potential consequences of such a failure. An operator may subdivide its pipeline into regions with similar characteristics (e.g., contiguous areas within a distribution pipeline consisting of mains, services, and other appurtenances; areas with common materials or environmental factors), and for which similar actions likely would be effective in reducing risk*./;*

4. Identify and implement measures to address risks. Determine

and implement measures designed to reduce the risks from failure of its gas distribution pipeline. These measures must include an effective leak management program (unless all leaks are repaired when found)/.;

5. Measure performance, monitor results, and evaluate effectiveness.

A. Develop and monitor performance measures from an established baseline to evaluate the effectiveness of its IM program. An operator must consider the results of its performance monitoring in periodically re-evaluating the threats and risks. These performance measures must include the following:

(I) Number of hazardous leaks either eliminated or repaired as required by paragraph (14)(C)1. (or total number of leaks if all leaks are repaired when found), categorized by cause;

(II) Number of excavation damages;

(III) Number of excavation tickets (receipt of information by the underground facility operator from the notification center);

(IV) Total number of leaks either eliminated or repaired, categorized by cause;

(V) Number of hazardous leaks either eliminated or repaired as required by paragraph (14)(C)1. (or total number of leaks if all leaks are repaired when found), categorized by material; and

(VI) Any additional measures the operator determines are needed to evaluate the effectiveness of the operator's IM program in controlling each identified threat/.;

6. Periodic evaluation and improvement. An operator must re-evaluate threats and risks on its entire pipeline and consider the relevance of threats in one (1) location to other areas. Each operator must determine the appropriate period for conducting complete program evaluations based on the complexity of its system and changes in factors affecting the risk of failure. An operator must conduct a complete program re-evaluation at least every five (5) years. The operator must consider the results of the performance monitoring in these evaluations/.; and

7. Report results. Report, on an annual basis, the four (4) measures listed in parts (17)(D)5.A.(I)–(IV), as part of the annual report required by 20 CSR 4240-40.020(7)(A). An operator also must report the four (4) measures to designated commission personnel.

(E) *[What Must an Operator Report When a Mechanical Fitting Fails? (192.1009)]*

1. *Except as provided in paragraph (17)(E)2., each operator of a distribution pipeline system must submit a report on each mechanical fitting failure, excluding any failure that results only in a nonhazardous leak. The report(s) must be submitted in accordance with 20 CSR 4240-40.020(7)(B) (191.12).*

2. *The mechanical fitting failure reporting requirements in paragraph (17)(E)1. do not apply to master meter operators] (Reserved).*

(H) What Must a *[Master Meter] Small LPG* Operator Do to Implement this Section? (192.1015)

1. General. No later than August 2, 2011, the **small LPG** operator *[of a master meter system]* must develop and implement an IM program that includes a written IM plan as specified in paragraph (17)(G)2. The IM program for these pipelines should reflect the relative simplicity of these types of pipelines.

2. Elements. A written integrity management plan must address, at a minimum, the following elements:

A. Knowledge. The operator must demonstrate knowledge of its pipeline, which, to the extent known, should include the approximate location and material of its pipeline. The operator must identify additional information needed and provide a plan for gaining knowledge over time through normal activities conducted on the pipeline (e.g., design, construction, operations, or maintenance activities);

B. Identify threats. The operator must consider, at minimum, the following categories of threats (existing and potential): corrosion, natural forces, excavation damage, other outside force damage, mate-

rial or weld failure, equipment failure, and incorrect operation;

C. Rank risks. The operator must evaluate the risks to its pipeline and estimate the relative importance of each identified threat;

D. Identify and implement measures to mitigate risks. The operator must determine and implement measures designed to reduce the risks from failure of its pipeline;

E. Measure performance, monitor results, and evaluate effectiveness. The operator must monitor, as a performance measure, the number of leaks eliminated or repaired on its pipeline and their causes; and

F. Periodic evaluation and improvement. The operator must determine the appropriate period for conducting IM program evaluations based on the complexity of its pipeline and changes in factors affecting the risk of failure. An operator must re-evaluate its entire program at least every five (5) years. The operator must consider the results of the performance monitoring in these evaluations.

3. Records. The operator must maintain, for a period of at least ten (10) years, the following records:

A. A written IM plan in accordance with this subsection, including superseded IM plans;

B. Documents supporting threat identification; and

C. Documents showing the location and material of all piping and appurtenances that are installed after the effective date of the operator's IM program and, to the extent known, the location and material of all pipe and appurtenances that were existing on the effective date of the operator's program.

Appendix B to 20 CSR 4240-40.030

Appendix B—Qualification of Pipe and Components

I. List of Specifications.

A. Listed Pipe Specifications.

ANSI/API *[ANSI/API]* Specification 5L—Steel pipe, “API Specification for Line Pipe” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A53/A53M—Steel pipe, “Standard Specification for Pipe, Steel Black and Hot-Dipped, Zinc-Coated, Welded and Seamless” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A106/A106M—Steel pipe, “Standard Specification for Seamless Carbon Steel Pipe for High Temperature Service” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A333/A333M—Steel pipe, “Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A381—Steel pipe, “Standard Specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A671/A671M—Steel pipe, “Standard Specification for Electric-Fusion-Welded Pipe for Atmospheric and Lower Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A672/A672M—Steel pipe, “Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM A691/A691M—Steel pipe, “Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM D2513/–12ae1/—“Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F2817–10—“Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

B. Other Listed Specifications for Components.

ASME B16.40–2008—“Manually Operated Thermoplastic Gas Shutoffs and Valves in Gas Distribution Systems” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM D2513/–12ae1/—“Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1055–98 (2006)—“Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene Pipe and Tubing” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1924–12—“Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1948–12—“Standard Specification for Metallic Mechanical Fittings for Use on Outside Diameter Controlled Thermoplastic Gas Distribution Pipe and Tubing” (incorporated by reference, in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F1973–13—“Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA 11) and Polyamide 12 (PA 12) Fuel Gas Distribution Systems” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM F2817–10—“Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

II. Steel pipe of unknown or unlisted specification.

A. Bending properties. For pipe two inches (2") (51 millimeters) or less in diameter, a length of pipe must be cold bent through at least ninety degrees (90°) around a cylindrical mandrel that has a diameter twelve (12) times the diameter of the pipe, without developing cracks at any portion and without opening the longitudinal weld. For pipe more than two inches (2") (51 millimeters) in diameter, the pipe must meet the requirements of the flattening tests set forth in ASTM A53/A53M (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), except that the number of tests must be at least equal to the minimum required in paragraph II.D. of this appendix to determine yield strength.

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under section (5) of 20 CSR 4240-40.030. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than four inches (4") (102 millimeters) in diameter, at least one (1) test weld must be made for

each one hundred (100) lengths of pipe. On pipe four inches (4") (102 millimeters) or less in diameter, at least one (1) test weld must be made for each four hundred (400) lengths of pipe. The weld must be tested in accordance with API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). The same number of chemical tests must be made as are required for testing a girth weld.

C. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are no defects which might impair the strength or tightness of the pipe.

D. Tensile properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as twenty-four thousand (24,000) psi (165 MPa) or less, or the tensile properties may be established by performing tensile tests as set forth in API Specification 5L (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). All test specimens shall be selected at random and the following number of tests must be performed:

Number of Tensile Tests—All Sizes

10 lengths or less	1 set of tests for each length.
11 to 100 lengths	1 set of tests for each 5 lengths, but not less than 10 tests.
Over 100 lengths	1 set of tests for each 10 lengths, but not less than 20 tests.

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in paragraph (2)(C)3. of 20 CSR 4240-40.030. (192.55[c])

III. Steel pipe manufactured before November 12, 1970, to earlier editions of listed specifications. Steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in section I. of this appendix, is qualified for use under this rule if the following requirements are met:

A. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and that there are no defects which might impair the strength or tightness of the pipe; and

B. Similarity of specification requirements. The edition of the listed specification under which the pipe was manufactured must have substantially the same requirements with respect to the following properties as a later edition of that specification listed in section I. of this appendix:

1) Physical (mechanical) properties of pipe, including yield and tensile strength, elongation and yield to tensile ratio, and testing requirements to verify those properties; and

2) Chemical properties of pipe and testing requirements to verify those properties; and

C. Inspection or test of welded pipe. On pipe with welded seams, one (1) of the following requirements must be met:

1) The edition of the listed specification to which the pipe was manufactured must have substantially the same requirements with respect to nondestructive inspection of welded seams and the standards for acceptance or rejection and repair as a later edition of the specification listed in section I. of this appendix; or

2) The pipe must be tested in accordance with section (10) of 20 CSR 4240-40.030 to at least one and one-fourth (1.25) times the maximum allowable operating pressure if it is to be installed in a Class 1 location and to at least one and one-half (1.5) times the maximum allowable operating pressure if it is to be installed in a Class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under section (10) of 20 CSR 4240-40.030, the test pressure must be maintained for at least eight (8) hours.

Appendix E to 20 CSR 4240-40.030**Appendix E—Table of Contents—Safety Standards—Transportation of Gas by Pipeline.****20 CSR 4240-40.030(1) General**

- (A) What Is the Scope of this Rule? (192.1)
- (B) Definitions. (192.3)
- (C) Class Locations. (192.5)
- (D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)
- (E) Gathering Lines. (192.8 and 192.9)
- (F) Petroleum Gas Systems. (192.11)
- (G) What General Requirements Apply to Pipelines Regulated *Under* this Rule? (192.13)
- (H) Conversion to Service Subject to this Rule. (192.14)
- (I) Rules of Regulatory Construction. (192.15)
- (J) Filing of Required Plans, Procedures, and Programs.
- (K) Customer Notification Required by Section 192.16 of 49 CFR 192. (192.16)
- (L) Customer Notification, Paragraph (12)(S)2.
- (M) How to Notify PHMSA and Designated Commission Personnel. (192.18)

20 CSR 4240-40.030(2) Materials

- (A) Scope. (192.51)
- (B) General. (192.53)
- (C) Steel Pipe. (192.55)
- (D) Plastic Pipe. (192.59)
- (E) Marking of Materials. (192.63)
- (F) Transportation of Pipe. (192.65)
- (G) Records: Material Properties. (192.67)
- (H) Storage and Handling of Plastic Pipe and Associated Components. (192.69)

20 CSR 4240-40.030(3) Pipe Design

- (A) Scope. (192.101)
- (B) General. (192.103)
- (C) Design Formula for Steel Pipe. (192.105)
- (D) Yield Strength (S) for Steel Pipe. (192.107)
- (E) Nominal Wall Thickness (t) for Steel Pipe. (192.109)
- (F) Design Factor (F) for Steel Pipe. (192.111)
- (G) Longitudinal Joint Factor (E) for Steel Pipe. (192.113)
- (H) Temperature Derating Factor (T) for Steel Pipe. (192.115)
- (I) Design of Plastic Pipe. (192.121)
- (J) Reserved. (192.123)
- (K) Design of Copper Pipe for Repairs. (192.125)
- (L) Additional Design Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.112)
- (M) Records: Pipe design. (192.127)

20 CSR 4240-40.030(4) Design of Pipeline Components

- (A) Scope. (192.141)
- (B) General Requirements. (192.143)
- (C) Qualifying Metallic Components. (192.144)
- (D) Valves. (192.145)
- (E) Flanges and Flange Accessories. (192.147)
- (F) Standard Fittings. (192.149)
- (G) Tapping. (192.151)
- (H) Components Fabricated by Welding. (192.153)
- (I) Welded Branch Connections. (192.155)
- (J) Extruded Outlets. (192.157)
- (K) Flexibility. (192.159)
- (L) Supports and Anchors. (192.161)
- (M) Compressor Stations—Design and Construction. (192.163)
- (N) Compressor Stations—Liquid Removal. (192.165)
- (O) Compressor Stations—Emergency Shutdown. (192.167)
- (P) Compressor Stations—Pressure Limiting Devices. (192.169)
- (Q) Compressor Stations—Additional Safety Equipment.

(192.171)

- (R) Compressor Stations—Ventilation. (192.173)
- (S) Pipe-Type and Bottle-Type Holders. (192.175)
- (T) Additional Provisions for Bottle-Type Holders. (192.177)
- (U) Transmission Line Valves. (192.179)
- (V) Distribution Line Valves. (192.181)
- (W) Vaults—Structural Design Requirements. (192.183)
- (X) Vaults—Accessibility. (192.185)
- (Y) Vaults—Sealing, Venting, and Ventilation. (192.187)
- (Z) Vaults—Drainage and Waterproofing. (192.189)
- (AA) Risers Installed After January 22, 2019. (192.204)
- (BB) Valve Installation in Plastic Pipe. (192.193)
- (CC) Protection Against Accidental Overpressuring. (192.195)
- (DD) Control of the Pressure of Gas Delivered From Transmission Lines and High-Pressure Distribution Systems to Service Equipment. (192.197)
- (EE) Requirements for Design of Pressure Relief and Limiting Devices. (192.199)
- (FF) Required Capacity of Pressure Relieving and Limiting Stations. (192.201)
- (GG) Instrument, Control, and Sampling Pipe and Components. (192.203)
- (HH) Passage of Internal Inspection Devices. (192.150)
- (II) Records: Pipeline Components. (192.205)

20 CSR 4240-40.030(5) Welding of Steel in Pipelines

- (A) Scope. (192.221)
- (B) General.
- (C) Welding Procedures. (192.225)
- (D) Qualification of Welders and Welding Operators. (192.227)
- (E) Limitations on Welders and Welding Operators. (192.229)
- (F) Protection From Weather. (192.231)
- (G) Miter Joints. (192.233)
- (H) Preparation for Welding. (192.235)
- (I) Inspection and Test of Welds. (192.241)
- (J) Nondestructive Testing. (192.243)
- (K) Repair or Removal of Defects. (192.245)

20 CSR 4240-40.030(6) Joining of Materials Other Than by Welding

- (A) Scope. (192.271)
- (B) General. (192.273)
- (C) Cast Iron Pipe. (192.275)
- (D) Ductile Iron Pipe. (192.277)
- (E) Copper Pipe. (192.279)
- (F) Plastic Pipe. (192.281)
- (G) Plastic Pipe—Qualifying Joining Procedures. (192.283)
- (H) Plastic Pipe—Qualifying Persons to Make Joints. (192.285)
- (I) Plastic Pipe—Inspection of Joints. (192.287)

20 CSR 4240-40.030(7) General Construction Requirements for Transmission Lines and Mains

- (A) Scope. (192.301)
- (B) Compliance With Specifications or Standards. (192.303)
- (C) Inspection—General. (192.305)
- (D) Inspection of Materials. (192.307)
- (E) Repair of Steel Pipe. (192.309)
- (F) Repair of Plastic Pipe During Construction. (192.311)
- (G) Bends and Elbows. (192.313)
- (H) Wrinkle Bends in Steel Pipe. (192.315)
- (I) Protection From Hazards. (192.317)
- (J) Installation of Pipe in a Ditch. (192.319)
- (K) Installation of Plastic Pipe. (192.321)
- (L) Casing. (192.323)
- (M) Underground Clearance. (192.325)
- (N) Cover. (192.327)
- (O) Additional Construction Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.328)

(P) Installation of Plastic Pipelines by Trenchless Excavation. (192.329)

20 CSR 4240-40.030(8) Customer Meters, Service Regulators, and Service Lines

- (A) Scope, Compliance with Specifications or Standards, and Inspections. (192.351)
- (B) Service Lines and Yard Lines.
- (C) Customer Meters and Regulators—Location. (192.353)
- (D) Customer Meters and Regulators—Protection From Damage. (192.355)
- (E) Customer Meters and Regulators—Installation. (192.357)
- (F) Customer Meter Installations—Operating Pressure. (192.359)
- (G) Service Lines—Installation. (192.361)
- (H) Service Lines—Valve Requirements. (192.363)
- (I) Service Lines—Location of Valves. (192.365)
- (J) Service Lines—General Requirements for Connections to Main Piping. (192.367)
- (K) Service Lines—Connections to Cast Iron or Ductile Iron Mains. (192.369)
- (L) Service Lines—Steel. (192.371)
- (M) Service Lines—Plastic. (192.375)
- (N) New Service Lines Not in Use. (192.379)
- (O) Service Lines—Excess Flow Valve Performance Standards. (192.381)
- (P) Excess Flow Valve Installation. (192.383)
- (Q) Manual Service Line Shut-Off Valve Installation. (192.385)
- (R) Installation of Plastic Service Lines by Trenchless Excavation. (192.376)

20 CSR 4240-40.030(9) Requirements for Corrosion Control

- (A) Scope. (192.451)
- (B) How Does this Section Apply to Converted Pipelines and Regulated Onshore Gathering Lines? (192.452)
- (C) General. (192.453)
- (D) External Corrosion Control—Buried or Submerged Pipelines Installed After July 31, 1971. (192.455)
- (E) External Corrosion Control—Buried or Submerged Pipelines Installed Before August 1, 1971. (192.457)
- (F) External Corrosion Control—Inspection of Buried Pipeline When Exposed. (192.459)
- (G) External Corrosion Control—Protective Coating. (192.461)
- (H) External Corrosion Control—Cathodic Protection. (192.463)
- (I) External Corrosion Control—Monitoring. (192.465)
- (J) External Corrosion Control—Electrical Isolation. (192.467)
- (K) External Corrosion Control—Test Stations. (192.469)
- (L) External Corrosion Control—Test Leads. (192.471)
- (M) External Corrosion Control—Interference Currents. (192.473)
- (N) Internal Corrosion Control—General and Monitoring. (192.475 and 192.477)
- (O) Internal Corrosion Control—Design and Construction of Transmission Line. (192.476)
- (P) Atmospheric Corrosion Control—General. (192.479)
- (Q) Atmospheric Corrosion Control—Monitoring. (192.481)
- (R) Remedial Measures—General. (192.483)
- (S) Remedial Measures—Transmission Lines. (192.485)
- (T) Remedial Measures—Distribution Lines Other Than Cast Iron or Ductile Iron Lines. (192.487)
- (U) Remedial Measures—Cast Iron and Ductile Iron Pipelines. (192.489)
- (V) Corrosion Control Records. (192.491)
- (W) Direct Assessment. (192.490)
- (X) In-line Inspection of Pipelines. (192.493)

20 CSR 4240-40.030(10) Test Requirements

- (A) Scope. (192.501)
- (B) General Requirements. (192.503)

(C) Strength Test Requirements for Steel Pipelines to Operate at a Hoop Stress of Thirty Percent (30%) or More of SMYS. (192.505)

(D) Test Requirements for Pipelines to Operate at a Hoop Stress Less Than Thirty Percent (30%) of SMYS and /a/At or Above One Hundred (100) psi (689 kPa) gauge. (192.507)

(E) Test Requirements for Pipelines to Operate Below One Hundred (100) psi (689 kPa) gauge. (192.509)

(F) Test Requirements for Service Lines. (192.511)

(G) Test Requirements for Plastic Pipelines. (192.513)

(H) Environmental Protection and Safety Requirements. (192.515)

(I) Records. (192.517)

(J) Test Requirements for Customer-Owned Fuel Lines.

(K) Transmission Lines: Spike Hydrostatic Pressure Test. (192.506)

20 CSR 4240-40.030(11) Uprating

(A) Scope. (192.551)

(B) General Requirements. (192.553)

(C) Uprating to a Pressure That Will Produce a Hoop Stress of Thirty Percent (30%) or More of SMYS in Steel Pipelines. (192.555)

(D) Uprating—Steel Pipelines to a Pressure That Will Produce a Hoop Stress Less Than Thirty Percent (30%) of SMYS—Plastic, Cast Iron, and Ductile Iron Pipelines. (192.557)

20 CSR 4240-40.030(12) Operations

(A) Scope. (192.601)

(B) General Provisions. (192.603)

(C) Procedural Manual for Operations, Maintenance, and Emergencies. (192.605)

(D) Qualification of Pipeline Personnel. (Subpart N)

(E) Verification of Pipeline Material Properties and Attributes: Steel Transmission Pipelines. (192.607)

(F) Change in Class Location—Required Study. (192.609)

(G) Change in Class Location—Confirmation or Revision of Maximum Allowable Operating Pressure. (192.611)

(H) Continuing Surveillance. (192.613)

(I) Damage Prevention Program. (192.614)

(J) Emergency Plans. (192.615)

(K) Public Awareness. (192.616)

(L) Investigation of Failures. (192.617)

(M) Maximum Allowable Operating Pressure—Steel or Plastic Pipelines. (192.619 and 192.620)

(N) Maximum Allowable Operating Pressure—High-Pressure Distribution Systems. (192.621)

(O) Maximum and Minimum Allowable Operating Pressure—Low-Pressure Distribution Systems. (192.623)

(P) Odorization of Gas. (192.625)

(Q) Tapping Pipelines Under Pressure. (192.627)

(R) Purging of Pipelines. (192.629)

(S) Providing Service to Customers.

(T) Control Room Management. (192.631)

(U) Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.624)

(V) Engineering Critical Assessment for Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.632)

20 CSR 4240-40.030(13) Maintenance

(A) Scope. (192.701)

(B) General. (192.703)

(C) Transmission Lines—Patrolling. (192.705)

(D) Transmission Lines—Leakage Surveys. (192.706)

(E) Line Markers for Mains and Transmission Lines. (192.707)

(F) Record Keeping.

(G) Transmission Lines—General Requirements for Repair Procedures. (192.711)

(H) Transmission Lines—Permanent Field Repair of Imperfections

and Damages. (192.713)

(I) Transmission Lines—Permanent Field Repair of Welds. (192.715)

(J) Transmission Lines—Permanent Field Repair of Leaks. (192.717)

(K) Transmission Lines—Testing of Repairs. (192.719)

(L) Distribution Systems—Patrolling. (192.721)

(M) Distribution Systems—Leakage Surveys. (192.723)

(N) Test Requirements for Reinstating Service Lines and Fuel Lines. (192.725)

(O) Abandonment or Deactivation of Facilities. (192.727)

(P) Compressor Stations—Inspection and Testing of Relief Devices. (192.731)

(Q) Compressor Stations—Storage of Combustible Materials and Gas Detection. (192.735 and 192.736)

(R) Pressure Limiting and Regulating Stations—Inspection and Testing. (192.739)

(S) Pressure Limiting and Regulating Stations—Telemetering or Recording Gauges. (192.741)

(T) Pressure Limiting and Regulating Stations—Capacity of Relief Devices. (192.743)

(U) Valve Maintenance—Transmission Lines. (192.745)

(V) Valve Maintenance—Distribution Systems. (192.747)

(W) Vault Maintenance. (192.749)

(X) Prevention of Accidental Ignition. (192.751)

(Y) Caulked Bell and Spigot Joints. (192.753)

(Z) Protecting or Replacing Disturbed Cast Iron Pipelines. (192.755)

(AA) Repair of Plastic Pipe. (192.720)

(BB) Pressure Regulating, Limiting, and Overpressure Protection—Individual Service Lines Directly Connected to [Production,] Regulated Gathering[, or Transmission Pipelines. (192.740)

(CC) Joining Plastic Pipe by Heat Fusion; Equipment Maintenance and Calibration. (192.756)

(DD) Transmission Lines: Assessments Outside of High Consequence Areas. (192.710)

(EE) Analysis of Predicted Failure Pressure. (192.712)

(FF) Launcher and Receiver Safety. (192.750)

20 CSR 4240-40.030(14) Gas Leaks

(A) Scope.

(B) Investigation and Classification Procedures.

(C) Leak Classifications.

20 CSR 4240-40.030(15) Replacement Programs

(A) Scope.

(B) Replacement Programs—General Requirements.

(C) Replacement Program—Unprotected Steel Service Lines and Yard Lines.

(D) Replacement Program—Cast Iron.

(E) Replacement/Cathodic Protection Program—Unprotected Steel Transmission Lines, Feeder Lines, and Mains.

20 CSR 4240-40.030(16) Pipeline Integrity Management for Transmission Lines

20 CSR 4240-40.030(17) Gas Distribution Pipeline Integrity Management (IM)

(A) What Definitions Apply to this Section? (192.1001)

(B) What Do the Regulations in this Section Cover? (192.1003)

(C) What Must a Gas Distribution Operator (Other than a [Master Meter] Small LPG Operator) Do to Implement this Section? (192.1005)

(D) What Are the Required Elements of an Integrity Management Plan? (192.1007)

(E) [What Must an Operator Report When a Mechanical Fitting Fails? (192.1009)] **Reserved.**

(F) What Records Must an Operator Keep? (192.1011)

(G) When May an Operator Deviate from Required Periodic Inspections Under this Rule? (192.1013)

(H) What Must a [Master Meter] Small LPG Operator Do to Implement this Section? (192.1015)

20 CSR 4240-40.030(18) Waivers of Compliance

AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.030. Original rule filed Feb. 23, 1968, effective March 14, 1968. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 29, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than October 1, 2022, and should include a reference to Commission Case No. GX-2022-0340. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., October 4, 2022, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
AND WORKFORCE DEVELOPMENT
Division 10—Commissioner of Higher Education
Chapter 12—Interstate Reciprocity**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Higher Education and Workforce Development under section 173.030, RSMo 2016, the Missouri Department of Higher Education and Workforce Development withdraws a proposed amendment as follows:

**6 CSR 10-12.010 State Authorization Reciprocity Agreement
is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2022 (47 MoReg 623-626). The proposed amendment is withdrawn.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 1—Organization and Description**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 482). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 483). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received two (2) comments in opposition to the proposed amendment.

COMMENT #1: A comment was received from Missouri AFL-CIO stating that the showing of interest definition in subsection (1)(F) is fatally ambiguous and gives the board too much discretion.

RESPONSE: The intention of the proposed change to "showing of interest" is to clarify the current definition of showing of interest. This rule does not give the board any more discretion than the board already has in determining whether the appropriate amount of signatures has been obtained. The board cannot act arbitrarily and is required to only carry out the duties provided to it through statute: Sections 295.050, 105.500(1), and 536.140, RSMo, see also *City of Kirkwood v. Missouri State Bd. of Mediation*, 478 S.W.2d 690 (Mo. App. 1972), and *Cent. Cnty. Emergency 911 v. Int'l Ass'n of Firefighters Local 2665*, 967 S.W.2d 696, 699 (Mo.App. W.D. 1998) (stating, "An agency's findings are reversed only if the decision is not supported by competent and substantial evidence on the whole record, is an abuse of discretion, is unauthorized by law, or is arbitrary and capricious."). No changes have been made to the amendment as a result of this comment.

COMMENT #2: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). AFSCME is concerned that the language is overly broad. They request the designated individual not have managerial or human resources responsibility over public employees and should be limited to ministerial functions that entail no individual discretion or policy. The AFSCME only objects to the proposed changes of 8 CSR 40-2.010(1)(G) and (1)(F) to the extent the board could alter the percentage of those "showing interest" to trigger a certification election in the future or change the percentage on a case-by-case basis. The AFSCME is concerned that the proposed language can

be read to permit situational changes, which it is concerned will create instability. With regards to proposed language on signatures, AFSCME believes (1)(F) should explicitly permit electronic signatures. AFSCME argues employees should be able to sign an authorization card using an electronic signature.

RESPONSE: The chair must supervise the employees of the board, and the chair has the authority to delegate duties to the employees of the board. See RSMo 295.050 (stating, “The chairman of the board shall devote his full time to his duties and shall have charge of the office of the board. He shall keep all records of the proceedings of the board, and shall supervise the work of the employees of the board, and shall have such other powers and duties as may be conferred, or imposed upon him by the board.”); and RSMo 295.070 (stating, “The state board of mediation shall have power to employ and fix the compensation of conciliators and other assistants and to delegate to such assistants such powers as may be necessary to carry out its duties under this chapter.”). The thirty percent showing of interest is still required for petitions for certification or decertification as specified in 8 CSR 40-2.030(1)(I). The language was amended here to account for the ten percent showing of interest required for intervention. Subsection (1)(F) does not prohibit the use of electronic signatures. The intention of the proposed change to “showing of interest” is to clarify the current definition of showing of interest. This rule does not give the board any more discretion than the board already has in determining whether the appropriate amount of signatures has been obtained. The board cannot act arbitrarily and is required to only carry out the duties provided to it through statute: Sections 295.050, 105.500(1), and 536.140, RSMo, see also *City of Kirkwood v. Missouri State Bd. of Mediation*, 478 S.W.2d 690 (Mo. App. 1972), and *Cent. Cnty. Emergency 911 v. Int’l Ass’n of Firefighters Local 2665*, 967 S.W.2d 696, 699 (Mo.App. W.D. 1998) (stating, “An agency’s findings are reversed only if the decision is not supported by competent and substantial evidence on the whole record, is an abuse of discretion, is unauthorized by law, or is arbitrary and capricious.”). No changes have been made to the amendment as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board rescinds a rule as follows:

8 CSR 40-2.020 Petitions for Certification or Decertification
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2022 (47 MoReg 483). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section

295.070, RSMo 2016, the board adopts a rule as follows:

8 CSR 40-2.025 Practice by a Licensed Attorney, When Required
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2022 (47 MoReg 483-484). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received one (1) comment in opposition to the proposed rule.

COMMENT: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). AFSCME is concerned that the proposed rule of 8 CSR 40-2.025 would hinder employees’ ability to carry out basic processes to exercise their right to be represented by a union. AFSCME argues that the conferences are supposed to be informal and non-adversarial. The use of attorneys would create a formal, adversarial process and prevent employees from being able to engage in negotiations. AFSCME argues that it is to the contrary of the *Missouri Constitution* to create an attorney requirement since it imposes a financial burden on employees that may seek to form a union.

RESPONSE: Missouri Courts have repeatedly held that although individuals can often represent themselves in legal proceedings, entities must have attorneys when engaged in the practice of law. *Mitchell v. J&M Sec., LLC*, 590 S.W.3d 853, 859 (Mo.App. E.D. 2019). “A natural person ordinarily is entitled to appear and assert claims on his own behalf in Missouri’s courts, but a corporation may appear only through an attorney licensed or admitted to practice here by this Court.” *Naylor Senior Citizens Hous., LP v. Side Const. Co., Inc.*, 423 S.W.3d 238, 243 (Mo. 2014). The act of selecting the appropriate petition to file with the board and ensuring that the correct information is provided on that petition involves legal analysis. When filing petitions and conducting hearings, a variety of issues can be disputed by the parties. These issues include but are not limited to whether the employees are considered public employees for purposes of creating a bargaining unit, which employee categories should be included in the bargaining unit, whether the election procedures were proper, or whether the employer has adequately met, conferred, and discussed proposals with employees. These issues ultimately require legal analysis of case law and statutory provisions. Further, the representatives for the parties file the petition or appear at the hearings to advocate for their party’s position. Thus, the representation before the board is considered the practice of law, and all entities appearing before the board must be represented by a licensed attorney. No changes have been made to the rule as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.030 Contents of Petitions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 484). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received two (2) comments in opposition to the proposed amendment.

COMMENT #1: A comment was received from Missouri AFL-CIO stating that the rule should not use the term “bargaining unit” because the definition was removed by the striking of House Bill No. 1413 as unconstitutional. The rule was opposed because “legitimate interest” is ambiguous. Missouri AFL-CIO also states that the replacing of the 30% showing of interest with “not less than 30 percent ... to be approved by the board” removes a uniform threshold with an arbitrary and unknown adequacy. Missouri AFL-CIO also stated that the rule does not contain a paragraph (F).

RESPONSE: The term “bargaining unit” is still a term used throughout Chapter 105, RSMo, as it existed prior to the unconstitutionality of House Bill No. 1413. “Generally, an unconstitutional statute is void ab initio, except in situations in which injustice occurs as a result of a party’s good faith compliance with the unconstitutional statute.” *Carmack v. Missouri Dept. of Agric.*, 31 S.W.3d 40, 48 (Mo.App. W.D. 2000) citing *State ex rel. Public Defender Comm’n v. County Court of Greene County*, 667 S.W.2d 409, 413 (Mo. banc 1984); see also *State v. Olinghouse*, 605 S.W.2d 58, 63 (Mo. banc 1980) (noting unconstitutionality would nullify amendment); and *Williams Lumber & Manufacturing Co. v. Ginsburg*, 347 Mo. 119, 146 S.W.2d 604, 605 (1940) (holding that if a new statutory section is unconstitutional, the repealing clause is likewise invalid, and the old section remains in force). The term “bargaining unit” is also used in current section (1)(B) of this provision. “Legitimate interest” is a term that has been used and will continue to be used to describe whether an intervenor should be allowed to intervene in a matter before the board. Historically, the use of the term “legitimate interest” has not caused any ambiguity issues. The board determines the adequacy of the showing of interest. The purpose of adding this language here is to ensure that the petition is processed efficiently by indicating that a petition of certification or decertification must include the showing of interest, and that the adequacy of the showing of interest is subject to the board’s approval. The board will approve the adequacy of the showing of interest if it includes signatures of 30% of the employee group. Pursuant to the rule proposal requirements, subsection (F) and subsection (C) were not included in the proposed amendment because there were no changes to those subsections. Subsections (C) and (F) are still part of the regulation and will appear in code. No changes have been made to the amendment as a result of this comment.

COMMENT #2: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). The AFSCME objects to the inclusion of any language that would allow employers to file for a union decertification election. AFSCME acknowledges that an employer may file for a certification election, but believes allowing employers to file for decertification election would be contrary to employees’ free choice. AFSCME claims that Missouri Public Employee Labor Law does not establish any opportunity on the part of an employer to be involved in the decertification of its employee’s representative. It further states that should employers be allowed to file decertification petitions, the unions may be required to seek legal reparation in court. AFSCME also takes issue with the board not defining “third party” or “legitimate interest,” as well as the requirement for a petition for intervention. AFSCME is concerned that the ambiguous language will leave the door open for violations of

employees’ rights. It believes that a petition for intervention is illogical and burdensome.

RESPONSE: Employers are able to file decertification petitions under the current regulations. This is not something that the board believes needs to be changed. As such, the proposed rules do not restrict the employer’s ability to file a decertification petition. See above response regarding “legitimate interest.” Allowing intervention is not a new concept under the proposed rules. No changes have been made to the amendment as a result of this comment.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 40—State Board of Mediation Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board rescinds a rule as follows:

8 CSR 40-2.040 Contents of Petition for Decertification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2022 (47 MoReg 484-485). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received one (1) comment in opposition to the proposed rescission.

COMMENT: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME) with the same comments to 8 CSR 40-2.030. The AFSCME objects to the inclusion of any language that would allow employers to file for a union decertification election. AFSCME acknowledges that an employer may file for a certification election, but believes allowing employers to file for decertification election would be contrary to employees’ free choice. AFSCME claims that Missouri Public Employee Labor Law does not establish any opportunity on the part of an employer to be involved in the decertification of its employee’s representative. It further states that should employers be allowed to file decertification petitions, the unions may be required to seek legal reparation in court. AFSCME also takes issue with the board not defining “third party” or “legitimate interest,” as well as the requirement for a petition for intervention. AFSCME is concerned that the ambiguous language will leave the door open for violations of employees’ rights. It believes that a petition for intervention is illogical and burdensome.

RESPONSE: Employers are able to file decertification petitions under the current regulations. This is not something that the board believes needs to be changed. As such, the proposed rules do not restrict the employer’s ability to file a decertification petition. “Legitimate interest” is a term that has been used and will continue to be used to describe whether an intervenor should be allowed to intervene in a matter before the board. Historically, the use of the term “legitimate interest” has not caused any ambiguity issues. The board determines the adequacy of the showing of interest. The purpose of adding this language here is to ensure that the petition is processed efficiently by indicating that a petition of certification or decertification must include the showing of interest, and that the adequacy of the showing of interest is subject to the board’s approval. The board will approve the adequacy of the showing of interest if it includes signatures of 30% of the employee group. Allowing intervention is not a new concept under the proposed rules. No changes have been made to the rescission as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board rescinds a rule as follows:

8 CSR 40-2.050 Petition for Unit Clarification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2022 (47 MoReg 485). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board rescinds a rule as follows:

8 CSR 40-2.055 Petition for Amendment of Certification
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2022 (47 MoReg 485). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board rescinds a rule as follows:

8 CSR 40-2.060 Number of Copies of Petition to be Filed
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2022 (47 MoReg 485). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section

295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.070 Validity of Showing of Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 485-486). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.080 Processing of Petition is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 486). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.090 Withdrawal or Dismissal of Petition is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 486). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.100 Initial Action is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 486-487). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received two (2) comments in opposition to the proposed amendment.

COMMENT #1: A comment was received from Missouri AFL-CIO stating that the new language empowers the chair to conduct hearings over disagreement of the parties without regard to whether the issue is material to representation. Also, Missouri AFL-CIO is concerned that removal of the requirement that the board notify the parties of the time and place of such hearing will encourage undue delay.

RESPONSE: The board must be able to resolve all disputes between the parties rather than being restricted to only the method for determining the appropriate bargaining unit or the make-up of the appropriate bargaining unit. The purpose of this amendment is to streamline the process and help the parties come to a resolution prior to a hearing. The notice of hearing is still required as specified in 8 CSR 40-2.140. No changes have been made to the amendment as a result of this comment.

COMMENT #2: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). AFSCME states informal conferences should not require the presence of attorneys because the conferences are supposed to be informal and were not intended to resort to legal argument or legal representation.

RESPONSE: "A natural person ordinarily is entitled to appear and assert claims on his own behalf in Missouri's courts, but a corporation may appear only through an attorney licensed or admitted to practice here by this Court." *Naylor Senior Citizens Hous., LP v. Side Const. Co., Inc.*, 423 S.W.3d 238, 243 (Mo. 2014). The act of selecting the appropriate petition to file with the board and ensuring that the correct information is provided on that petition involves legal analysis. When filing petitions and conducting hearings, a variety of issues can be disputed by the parties. These issues include but are not limited to whether the employees are considered public employees for purposes of creating a bargaining unit, which employee categories should be included in the bargaining unit, whether the election procedures were proper, or whether the employer has adequately met, conferred, and discussed proposals with employees. These issues ultimately require legal analysis of case law and statutory provisions. Further, the representatives for the parties file the petition or appear at conferences or hearings to advocate for their party's position. Thus, the representation before the board is considered the practice of law, and all entities appearing before the board must be represented by a licensed attorney. No changes have been made to the amendment as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.120 List of Employees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 487). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received two (2) comments in opposition to the proposed amendment.

COMMENT #1: A comment was received from Missouri AFL-CIO stating that the new language improperly uses the term "bargaining unit." Missouri AFL-CIO is also concerned that the change removes the uniform threshold of the thirty percent showing of interest, will unduly delay proceedings, and encourage gamesmanship.

RESPONSE: The term "bargaining unit" is still a term used throughout Chapter 105 as it existed prior to the unconstitutionality of House Bill No. 1413. "Generally, an unconstitutional statute is void ab initio, except in situations in which injustice occurs as a result of a party's good faith compliance with the unconstitutional statute." *Carmack v. Missouri Dept. of Agric.*, 31 S.W.3d 40, 48 (Mo.App. W.D. 2000) citing *State ex rel. Public Defender Comm'n v. County Court of Greene County*, 667 S.W.2d 409, 413 (Mo. banc 1984); see also *State v. Olinghouse*, 605 S.W.2d 58, 63 (Mo. banc 1980) (noting unconstitutionality would nullify amendment); and *Williams Lumber & Manufacturing Co. v. Ginsburg*, 347 Mo. 119, 146 S.W.2d 604, 605 (1940) (holding that if a new statutory section is unconstitutional, the repealing clause is likewise invalid, and the old section remains in force). The term "bargaining unit" is also used in the regulations as they existed prior to the enactment of House Bill 1413. The thirty percent showing of interest is still required for petitions for certification or decertification as specified in 8 CSR 40-2.030(1)(I). The language was amended here to account for the ten percent showing of interest required for intervention. No changes have been made to the amendment as a result of this comment.

COMMENT #2: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). AFSCME is concerned with the list of employees being the property of the employer. It wants to ensure that the language is not limiting receipt of the list by a petitioning employee organization or use of the list for election purposes. AFSCME also objects to the elimination of the 30% showing of interest language.

RESPONSE: The requirement that the employer list remain property of the employer is intended to ensure that the board is not responsible for maintaining a copy of the employee list. Nothing in this rule prevents a petitioning employee organization from obtaining a copy of the employee list. The thirty percent showing of interest is still required for petitions for certification or decertification as specified in 8 CSR 40-2.030(1)(I). No changes have been made to the amendment as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.130 Intervention is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022

(47 MoReg 487). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received two (2) comments in opposition to the proposed amendment.

COMMENT #1: A comment was received from Missouri AFL-CIO stating that the conditions placed on showing a legitimate interest by an intervening party are ambiguous to the point of allowing discriminatory and arbitrary decision resulting in more litigation and delay. Missouri AFL-CIO is also concerned that the 10% showing of interest requirement for intervenor status is a necessary condition precedent to approved intervenor status but that the subsequent status of “approved intervenor” may be withheld on an undefined basis left to the discretion of the board in its determination of undefined legitimate interest.

RESPONSE: The amendment does not change the level of percentage required for intervention. The intention of the rule is to make clear that once the showing of interest is met, the intervenor will be approved. There is nothing that allows the board to withhold the intervenor’s approval status. “Legitimate interest” is a term that has been used and will continue to be used to describe whether an intervenor should be allowed to intervene in a matter before the board. Historically, the use of the term “legitimate interest” has not caused any ambiguity issues. No changes have been made to the amendment as a result of this comment.

COMMENT #2: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). AFSCME contends that the language does not clearly establish a percentage showing of interest. It is concerned that the proposed language gives the board significant, if not full, discretion to determine what constitutes an “adequate showing of interest.”

RESPONSE: The thirty percent showing of interest is still required for petitions for certification or decertification as specified in 8 CSR 40-2.030(1)(I). The rule specifies that, for intervention, the required showing of interest is ten percent. No changes have been made to the amendment as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.140 Hearings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 487-489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received one (1) comment in opposition to the proposed amendment.

COMMENT: A comment was received from Missouri AFL-CIO stating that it is concerned that the new rule eliminates all reference

to a party’s right to appear through and by counsel or other representative and provides only for a party to appear individually without legal or collective bargaining representation. Missouri AFL-CIO is also concerned that the board will arbitrarily change brief timeline filing requirements based on the new changes.

RESPONSE: The board is required to act reasonably in carrying out the provisions of the public sector labor law, as it is held to an abuse of discretion standard by a reviewing court: Sections 105.500(1) and 536.140, RSMo, see also *City of Kirkwood v. Missouri State Bd. of Mediation*, 478 S.W.2d 690 (Mo. App. 1972) and *Cent. Cnty. Emergency 911 v. Int’l Ass’n of Firefighters Local 2665*, 967 S.W.2d 696, 699 (Mo.App. W.D. 1998) (stating, “An agency’s findings are reversed only if the decision is not supported by competent and substantial evidence on the whole record, is an abuse of discretion, is unauthorized by law, or is arbitrary and capricious.”). The removal of “in person, by counsel or by other representative” in subsection (5)(A) was to remove any confusion between this language and the requirement that entities be represented by legal counsel in 8 CSR 40-2.025. All parties have the right to appear, but this is not a requirement and does not specify that the party not be represented. Entities must have attorneys when engaged in the practice of law: *Mitchell v. J&M Sec., LLC*, 590 S.W.3d 853, 859 (Mo.App. E.D. 2019) and *Naylor Senior Citizens Hous., LP v. Side Const. Co., Inc.*, 423 S.W.3d 238, 243 (Mo. 2014). Representation before the board is considered the practice of law, and all entities appearing before the board must be represented by a licensed attorney, which is indicated by proposed regulation 8 CSR 40-2.025. No changes have been made to the amendment as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.150 Notices of Election is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received two (2) comments in opposition to the proposed amendment.

Due to the similarity of these comments, a single response covers both comments.

COMMENT #1: A comment was received from Missouri AFL-CIO stating that the requirement that the list remain property of the employer unnecessarily abridges communication between potential collective bargaining representatives and public employees. Missouri AFL-CIO is also concerned that the change to “work addresses” from “address” limits the ability for the union organization to have face-to-face conversations with the employees and cites *Show-Me Inst. v. Office of Admin.*, WD 84561, 2022 WL 904703 (Mo.App. W.D. Mar. 29, 2022), transfer denied (Apr. 28, 2022).

COMMENT #2: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). AFSCME takes issue with the requirement of the employees list to include work addresses and

employer issued e-mails. It also has concerns that acquiring additional information is limited by the need for “voluntary written consent of any employee.” The issue of the list being the property of the employer comes up again. AFSCME argues that these changes/requirements would make organizing difficult and interfere with free and fair election. AFSCME wants the employer to provide contact information beyond the workplace.

RESPONSE: The requirement that the employer list remain property of the employer is intended to ensure that the board is not responsible for maintaining a copy of the employee list. Nothing in this rule prevents a petitioning employee organization from obtaining a copy of the employee list. The amendment from “address” to “work addresses” was made because “work addresses” is all that the board needs to ensure proper election procedure. The board’s duties do not include the requirement to facilitate contact between a potential bargaining unit and the subject employee group. No changes have been made to the amendment as a result of these comments.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.160 Election Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 489-490). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Mediation received two (2) comments in opposition to the proposed amendment.

COMMENT #1: A comment was received from Missouri AFL-CIO stating that the language “to the satisfaction of the board” potentially endows the board with unlimited power in vacating or reversing elections on a discriminatory and arbitrary basis.

RESPONSE: The board cannot act arbitrarily and is required to only carry out the duties provided to it through statute: Sections 295.050, 105.500(1), and 536.140, RSMo, see also *City of Kirkwood v. Missouri State Bd. of Mediation*, 478 S.W.2d 690 (Mo. App. 1972), and *Cent. Cnty. Emergency 911 v. Int’l Ass’n of Firefighters Local 2665*, 967 S.W.2d 696, 699 (Mo.App. W.D. 1998) (stating, “An agency’s findings are reversed only if the decision is not supported by competent and substantial evidence on the whole record, is an abuse of discretion, is unauthorized by law, or is arbitrary and capricious.”). No changes have been made to the amendment as a result of this comment.

COMMENT #2: A comment was received from the American Federation of State, County, and Municipal Employees and its affiliate AFSCME Council 61 (AFSCME). AFSCME is concerned with the default election practice to be electronic elections because there are concerns regarding privacy, transparency, and reliability. The “gold standard” should be paper ballots. AFSCME states that if electronic elections are allowed there needs to be assurance that there is privacy and security. AFSCME contends that access to the voting platform should not be allowed through the use of employer issued e-mails and employers should not be allowed to engage with the voting

platform.

RESPONSE: The language of the proposed regulation indicates that the voting by secret ballot “shall be conducted so as to ensure, to the satisfaction of the board, the security and privacy of each public employee’s vote.” The proposed regulation does not state that electronic elections are the default election practice. Conducting the election electronically is an added option. There is nothing in the rule that allows employers to engage with the voting platform. No changes have been made to the amendment as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.170 Runoff Election is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 490). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 2016, the board amends a rule as follows:

8 CSR 40-2.180 Agreement for Consent Election is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 490). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.360, RSMo 2016, the superintendent amends a rule as follows:

11 CSR 50-2.080 Licensing of Inspector/Mechanics is amended.

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on May 2, 2022 (47 MoReg 626-627). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.360, RSMo 2016, the superintendent amends a rule as follows:

11 CSR 50-2.150 Brake Performance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2022 (47 MoReg 627). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.360, RSMo 2016, the superintendent amends a rule as follows:

11 CSR 50-2.170 Air and Vacuum Brake Systems is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2022 (47 MoReg 627-628). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under sections 307.360 and 307.375, RSMo 2016, the superintendent amends a rule as follows:

11 CSR 50-2.320 School Bus Inspection is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2022 (47 MoReg 628-630). No changes have been made in the text of the

proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 65—Missouri Medicaid Audit and Compliance
Chapter 2—Medicaid**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Missouri Medicaid Audit and Compliance Unit, under sections 208.159 and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 65-2.020 Provider Enrollment and Application
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2022 (47 MoReg 574-579). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE
AND INSURANCE
Division 2250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2021, the commission amends a rule as follows:

20 CSR 2250-8.070 Advertising is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2022 (47 MoReg 633). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

STATEMENT OF ACTUAL COST

3 CSR 10-11.111 Commercial Use

The original public cost estimate for this rulemaking was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1590-1592). The actual cost included a one-time fee of eighteen thousand six hundred eighty-five dollars (\$18,685) for adding commercial photography and videography permits to the department's permit tracking system which was significantly higher than the original public cost estimate to create and track permits long term of four hundred forty-five dollars (\$445).

At the time of the fiscal note, it was thought that the commercial photography and videography permits would not be part of the permit tracking system. Instead, a fillable PDF file was intended to be used, similar to other commercial permits at the time. Approaching the effective date of this rule, it was determined that commercial photography and videography permits would be incorporated into the permit tracking system, creating an unanticipated one-time fee.

The actual cost for staff time to issue permits in the first year was one thousand two hundred six dollars (\$1,206), which was more than the original public cost estimate for staff time of five hundred fifty-five dollars (\$555). Since this was a new permit type, estimates ended up being low for how many permits were actually issued, resulting in greater staff time.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for September 21, 2022. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

8/9/2022

#5958 HT: Boone Hospital Center
Columbia (Boone County)
\$3,147,879, Replace MRI

8/10/2022

#5963 NT: Mason Pointe Care Center
Chesterfield (St. Louis County)
\$16,838,176, Ren/Mod 256-bed SNF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by September 10, 2022. All written requests and comments should be sent to—

Chairman

Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570

Jefferson City, MO 65102

For additional information, contact Alison Dorge at
alison.dorge@health.mo.gov.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

“NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

**TO ALL CREDITORS AND CLAIMANTS AGAINST GIBSON PROPERTY
MANAGEMENT, LLC, a Missouri liability company (the “Company”):**

You are hereby notified that dissolution of the Company was authorized by the members on July 11, 2022. All persons having claims against the Company must present their claims in writing and mail their claims to:

Joel Gibson
1435 S. E. 73rd Place
Ocala, FL 34480

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) the name, address and telephone number of the claimant; (b) the amount claimed; (c) a description of the nature of the debt or the basis of the claim; (d) the date or dates the claim accrued; and (e) if the claim is founded on a writing, a copy of the writing.”

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS AND CLAIMANTS AGAINST
ACCREDITED TRAFFIC OFFENDER SERVICES, LLC**

On June 24, 2022, Accredited Traffic Offender Services, LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: **Terry Cole, 1515 East Malone Avenue, Sikeston, Missouri 63801**. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; the basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS AND CLAIMANTS AGAINST
MINGO RESIDENTIAL CARE OF PUXICO, LLC**

On June 24, 2022, Mingo Residential Care of Puxico, LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: **Terry Cole, 1515 East Malone Avenue, Sikeston, Missouri 63801**. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; the basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
J.R. FINANCIAL, L.L.C.**

On July 18, 2022, J.R. Financial, L.L.C. filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. J.R. Financial, L.L.C. requests that all persons and organizations who have claims against it present them immediately in writing to Donald A. Borgmann, Trustee, 2977 Hwy K, #283, O'Fallon, MO 63368.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against J.R. Financial, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS AND CLAIMANTS AGAINST 6TH AND ELM, L.L.C.**

On July 19, 2022, 6th and Elm, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Adam Patchett, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST CMV-COCHRAN, LLC

CMV-Cochran, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on June 17, 2022.

Any and all claims against CMV-Cochran, LLC may be sent to Steven P. Kuenzel, Sr., P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against CMV-Cochran, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST THE MICHAEL H. AND LEE MOISIO PARTNERSHIP LLC, a Missouri limited liability company.

On July 13, 2022, THE MICHAEL H. AND LEE MOISIO PARTNERSHIP LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Said Notice was effective on July 13, 2022.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company to the attention of Phillip R. Stanton c/o Greensfelder, Hemker & Gale, P.C., 10 S. Broadway, Suite 2000, St. Louis, Missouri 63102.

All claims must include (i) the name and address of the claimant; (ii) the amount claimed; (iii) the basis for the claim; (iv) the date(s) on which the event(s) on which the claim is based occurred, and (v) any other documentation of the claim.

NOTICE: Pursuant to Section 347.141 RSMo., any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST COLLEGE AND WALNUT GARAGE, L.L.C.

On July 19, 2022, College and Walnut Garage, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Adam Patchett, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST OLD PLANK, L.L.C.

On July 19, 2022, Old Plank, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Adam Patchett, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim in commenced within three years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST COLLEGE AND WALNUT, L.L.C.

On July 19, 2022, College and Walnut, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Adam Patchett, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim in commenced within three years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST WALNUT II, L.L.C.

On July 19, 2022, Walnut II, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Kerry Bush, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim in commenced within three years after the publication of this notice.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST MID MISSOURI TITLE AND ABSTRACT, INC.

On July 19, 2022, Mid Missouri Title and Abstract, Inc., a Missouri corporation (hereinafter the "Corporation"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

Any Claims against the Corporation may be sent to: Bush & Patchett, L.L.C., Attn: Kerry Bush, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Corporation will be barred unless the proceeding to enforce the claim in commenced within two years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST MCIVAN JONES FARMS, INC.**

On June 24, 2022, Mclvan Jones Farms, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on June 24, 2022.

You are hereby notified that if you believe you have a claim against Mclvan Jones Farms, Inc., you must submit a summary in writing of the circumstances surrounding your claim to Mclvan Jones Farms, Inc. at 1773 S. 413th Rd., East Prairie, Missouri, 63845. The summary of your claim must include the following information: (1) The name, address and telephone number of the claimant. (2) The amount of the claim. (3) The date on which the event on which the claim is based occurred. (4) A brief description of the nature of the debt or the basis for the claim.

All claims against Mclvan Jones Farms, Inc. will be barred unless the proceeding to enforce the claim is commenced within two (2) years after the publication of this Notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST BYRD FARMS, INC.**

On June 17, 2022, Byrd Farms, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on June 17, 2022.

You are hereby notified that if you believe you have a claim against Byrd Farms, Inc., you must submit a summary in writing of the circumstances surrounding your claim to Byrd Farms, Inc. at 1202 Yellowstone, Sikeston, Missouri, 63801. The summary of your claim must include the following information: (1) The name, address and telephone number of the claimant. (2) The amount of the claim. (3) The date on which the event on which the claim is based occurred. (4) A brief description of the nature of the debt or the basis for the claim.

All claims against Byrd Farms, Inc. will be barred unless the proceeding to enforce the claim is commenced within two (2) years after the publication of this Notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
ERP-INVEST, LLC**

ERP-Invest, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on July 5, 2022. Any and all claims against ERP-Invest, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against ERP-Invest, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP A LIMITED LIABILITY COMPANY TO ALL CREDITORS
OF AND CLAIMANTS AGAINST DAYTON PRECISION SERVICES, L.L.C.**

Dayton Precision Services, L.L.C., a Missouri limited liability company (the "Company"), was dissolved on June 15, 2022 by the filing of a Notice of Winding Up with the Missouri Secretary of State. The Company requests all persons and entities with claims against the Company present them in writing by mail to Dayton Precision Services, L.L.C, 400 Russell Blvd., St. Louis, Missouri 63104. Each claim must include:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The basis of the claim;
4. The date(s) of the event(s) on which the claim is based occurred; and
5. Documentation in support of the claim.

NOTICE: Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS AND CLAIMANTS AGAINST
PACIFIC CARE CENTER, LLC**

Pacific Care Center, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on July 6, 2022. Any and all claims against Pacific Care Center, LLC may be sent to Carl C. Lang, 7733 Forsyth Blvd., Suite 400, Clayton, MO 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Pacific Care Center, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

Notice of Dissolution of
Limited Liability Company
To All Creditors of and
Claimants Against
NATURAL ACCENTS LLC

On July 12, 2022, NATURAL ACCENTS LLC, a Missouri LLC (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. Claims against the Company shall be mailed to Denker Law Firm LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 64063. Claims must include: the name, address and phone number of the claimant; the amount being claimed; the date on which the claim arose; the basis for the claim; and all documentation to support the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

**NOTICE OF WINDING UP
FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
PROJECT GREENLIGHT LEMAY, LLC**

On July 7, 2022, Project Greenlight Lemay, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective as of the filing date.

You are hereby notified that all persons that have claims against the Company must present them in writing to the Company: Donald H. Sanders, III, D.H. Sanders, LLC, 8011 Clayton Road, Suite 300, St. Louis, Missouri 663117. All claims must include (1) the name, address, and telephone number of the claimant; (2) the amount of the claim; (3) the date(s) on which the claim is based occurred; (4) a brief description of the nature of the debt or the basis for the claim and copies of any supporting documentation; and (5) if the claim is secured and if so, the collateral used as security.

All claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF WINDING UP
FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
94 BAIT, LLC**

On June 28, 2022, 94 Bait, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective as of the filing date.

You are hereby notified that all persons that have claims against the Company must present them in writing to the Company: Donald H. Sanders, III, D.H. Sanders, LLC, 8011 Clayton Road, Suite 300, St. Louis, Missouri 663117. All claims must include (1) the name, address, and telephone number of the claimant; (2) the amount of the claim; (3) the date(s) on which the claim is based occurred; (4) a brief description of the nature of the debt or the basis for the claim and copies of any supporting documentation; and (5) if the claim is secured and if so, the collateral used as security.

All claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF WINDING UP
FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
PROJECT GREENLIGHT ONE, LLC**

On July 7, 2022, Project Greenlight One, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective as of the filing date.

You are hereby notified that all persons that have claims against the Company must present them in writing to the Company: Donald H. Sanders, III, D.H. Sanders, LLC, 8011 Clayton Road, Suite 300, St. Louis, Missouri 663117. All claims must include (1) the name, address, and telephone number of the claimant; (2) the amount of the claim; (3) the date(s) on which the claim is based occurred; (4) a brief description of the nature of the debt or the basis for the claim and copies of any supporting documentation; and (5) if the claim is secured and if so, the collateral used as security.

All claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST J&J AUCTION, L.L.C.**

On July 8, 2022, J & J Auction, L.L.C. filed its Notice of Winding Up with the Missouri Secretary of State. The event was effective on July 8, 2022.

You are hereby notified that if you believe you have a claim against J & J Auction, L.L.C., you must submit a summary in writing of the circumstances surrounding your claim to the Corporation to: Jennifer M. Snider, Witt, Hicklin, Snider & Fain, P.C., 2300 Higgins Road, P O Box 1517, Platte City MO 64079

The summary of your claim must include the following information: (a) the name, address and telephone number of the claimant; (b) the amount of the claim; (c) the date on which the event on which the claim is based occurred; (d) a brief description of the nature of the debt or the basis for the claim and (e) copies of any document supporting your claim.

The deadline for claim submission is the 90 calendar days from the effective date of this notice. All claims against J & J Auction, L.L.C. will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS
AGAINST PELICAN, LLC**

On July 28, 2022, Pelican, LLC, a Missouri limited liability company (“Company”), filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit the claim to Louis Werner, 20 W. 77th Street, Apt. 12A, New York, NY 10024. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS
AGAINST THE NORTHLAND, LLC**

On July 28, 2022, The Northland, LLC, a Missouri limited liability company (“Company”), filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit the claim to Louis Werner, 20 W. 77th Street, Apt. 12A, New York, NY 10024. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—46 (2021) and 47 (2022). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				45 MoReg 1926
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		47 MoReg 225	47 MoReg 1010	
1 CSR 40-1.050	Purchasing and Materials Management		47 MoReg 549	47 MoReg 1140	
DEPARTMENT OF AGRICULTURE					
2 CSR 60-4.110	Grain Inspection and Warehousing		47 MoReg 823		
2 CSR 60-5.100	Grain Inspection and Warehousing		47 MoReg 824		
2 CSR 80-2.190	State Milk Board		47 MoReg 966		
2 CSR 80-5.010	State Milk Board		47 MoReg 966		
2 CSR 90	Weights, Measures and Consumer Protection				47 MoReg 1147
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.433	Conservation Commission		47 MoReg 871		
3 CSR 10-7.435	Conservation Commission			47 MoReg 895	
3 CSR 10-7.437	Conservation Commission			47 MoReg 895	
3 CSR 10-7.600	Conservation Commission			47 MoReg 896	
3 CSR 10-7.705	Conservation Commission		47 MoReg 871		
3 CSR 10-11.111	Conservation Commission				This Issue
3 CSR 10-11.115	Conservation Commission		This Issue		
3 CSR 10-11.184	Conservation Commission		This Issue		
3 CSR 10-11.185	Conservation Commission		This Issue		
3 CSR 10-11.215	Conservation Commission		This Issue		
3 CSR 10-12.109	Conservation Commission		47 MoReg 475	47 MoReg 896	
3 CSR 10-12.110	Conservation Commission		47 MoReg 475	47 MoReg 896	
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.125	Conservation Commission		47 MoReg 476	47 MoReg 896	
3 CSR 10-12.135	Conservation Commission		47 MoReg 477	47 MoReg 896	
			47 MoReg 478	47 MoReg 897	
3 CSR 10-12.140	Conservation Commission		This Issue		
			47 MoReg 478	47 MoReg 897	
3 CSR 10-12.145	Conservation Commission		This Issue		
			47 MoReg 482	47 MoReg 897	
			This Issue		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.130	Division of Learning Services		47 MoReg 412	47 MoReg 1235	
5 CSR 20-100.140	Division of Learning Services		47 MoReg 413R	47 MoReg 1235R	
5 CSR 20-100.210	Division of Learning Services		47 MoReg 550		
5 CSR 20-400.610	Division of Learning Services		47 MoReg 1077		
5 CSR 20-500.250	Division of Learning Services		47 MoReg 780		
5 CSR 25-100.330	Office of Childhood		47 MoReg 1078		
5 CSR 30-4.030	Division of Financial and Administrative Services		47 MoReg 872		
5 CSR 30-660.090	Division of Financial and Administrative Services	47 MoReg 779	47 MoReg 784		
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-2.190	Commissioner of Higher Education	47 MoReg 473			
6 CSR 10-12.010	Commissioner of Higher Education		47 MoReg 623	This Issue W	
6 CSR 10-13.010	Commissioner of Higher Education		47 MoReg 626	47 MoReg 1235	
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		47 MoReg 551		
7 CSR 10-1.020	Missouri Highways and Transportation Commission		47 MoReg 967		
7 CSR 10-11.020	Missouri Highways and Transportation Commission		47 MoReg 554		
7 CSR 10-25.010	Missouri Highways and Transportation Commission		47 MoReg 967		
7 CSR 10-25.020	Missouri Highways and Transportation Commission		47 MoReg 1229		
7 CSR 10-25.030	Missouri Highways and Transportation Commission		47 MoReg 968		
7 CSR 10-25.070	Missouri Highways and Transportation Commission		47 MoReg 968		
7 CSR 10-25.071	Missouri Highways and Transportation Commission		47 MoReg 968		
7 CSR 10-25.080	Missouri Highways and Transportation Commission		47 MoReg 969		
7 CSR 10-25.090	Missouri Highways and Transportation Commission		47 MoReg 969		
7 CSR 60-2.010	Highway Safety and Traffic Division		47 MoReg 824		
7 CSR 60-2.020	Highway Safety and Traffic Division		47 MoReg 826		
7 CSR 60-2.030	Highway Safety and Traffic Division		47 MoReg 826		
7 CSR 60-2.040	Highway Safety and Traffic Division		47 MoReg 827		
7 CSR 60-2.050	Highway Safety and Traffic Division		47 MoReg 827		
7 CSR 60-2.060	Highway Safety and Traffic Division		47 MoReg 828		
7 CSR 60-3.010	Highway Safety and Traffic Division		47 MoReg 828R		
			47 MoReg 828		
7 CSR 265-10.017	Motor Carrier and Railroad Safety		47 MoReg 970		
7 CSR 265-10.025	Motor Carrier and Railroad Safety		47 MoReg 970		
7 CSR 265-10.035	Motor Carrier and Railroad Safety		47 MoReg 971		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-2.010	Labor and Industrial Relations Commission		47 MoReg 413	47 MoReg 1015	
8 CSR 20-3.030	Labor and Industrial Relations Commission		47 MoReg 414	47 MoReg 1015	
8 CSR 40-1.010	State Board of Mediation		47 MoReg 482	This Issue	
8 CSR 40-2.010	State Board of Mediation		47 MoReg 483	This Issue	
8 CSR 40-2.020	State Board of Mediation		47 MoReg 483R	This IssueR	
8 CSR 40-2.025	State Board of Mediation		47 MoReg 483	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
8 CSR 40-2.030	State Board of Mediation		47 MoReg 484	This Issue	
8 CSR 40-2.040	State Board of Mediation		47 MoReg 484R	This IssueR	
8 CSR 40-2.050	State Board of Mediation		47 MoReg 485R	This IssueR	
8 CSR 40-2.055	State Board of Mediation		47 MoReg 485R	This IssueR	
8 CSR 40-2.060	State Board of Mediation		47 MoReg 485R	This IssueR	
8 CSR 40-2.070	State Board of Mediation		47 MoReg 485	This Issue	
8 CSR 40-2.080	State Board of Mediation		47 MoReg 486	This Issue	
8 CSR 40-2.090	State Board of Mediation		47 MoReg 486	This Issue	
8 CSR 40-2.100	State Board of Mediation		47 MoReg 486	This Issue	
8 CSR 40-2.120	State Board of Mediation		47 MoReg 487	This Issue	
8 CSR 40-2.130	State Board of Mediation		47 MoReg 487	This Issue	
8 CSR 40-2.140	State Board of Mediation		47 MoReg 487	This Issue	
8 CSR 40-2.150	State Board of Mediation		47 MoReg 489	This Issue	
8 CSR 40-2.160	State Board of Mediation		47 MoReg 489	This Issue	
8 CSR 40-2.170	State Board of Mediation		47 MoReg 490	This Issue	
8 CSR 40-2.180	State Board of Mediation		47 MoReg 490	This Issue	
8 CSR 50-5.007	Division of Workers' Compensation		47 MoReg 119	47 MoReg 897W	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.206	Director, Department of Mental Health		47 MoReg 555	47 MoReg 1235	
9 CSR 10-5.210	Director, Department of Mental Health		47 MoReg 1233		
9 CSR 10-5.220	Director, Department of Mental Health		47 MoReg 561	47 MoReg 1236	
9 CSR 30-4.005	Certification Standards		47 MoReg 562	47 MoReg 1236	
9 CSR 30-4.035	Certification Standards		47 MoReg 562	47 MoReg 1236	
9 CSR 30-4.043	Certification Standards		47 MoReg 565	47 MoReg 1237	
9 CSR 30-4.0431	Certification Standards		47 MoReg 568	47 MoReg 1238	
9 CSR 30-4.0432	Certification Standards		47 MoReg 569		
9 CSR 30-4.045	Certification Standards		47 MoReg 571	47 MoReg 1239	
9 CSR 30-4.046	Certification Standards		47 MoReg 573	47 MoReg 1240	
9 CSR 30-4.190	Certification Standards		47 MoReg 574	47 MoReg 1240	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.210	Air Conservation Commission		47 MoReg 235	47 MoReg 1140	
10 CSR 20-6.010	Clean Water Commission		47 MoReg 1079		
10 CSR 20-6.200	Clean Water Commission		47 MoReg 1081		
10 CSR 25-7	Hazardous Waste Management Commission				47 MoReg 1147
10 CSR 90-2.010	State Parks		This Issue		
10 CSR 90-2.030	State Parks		This Issue		
10 CSR 90-2.050	State Parks		This Issue		
10 CSR 140-4.010	Division of Energy				47 MoReg 899
10 CSR 140-8.010	Division of Energy		47 MoReg 1082		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR	Notice of Periodic Rule Review				47 MoReg 900
11 CSR 45-1.090	Missouri Gaming Commission		47 MoReg 491	47 MoReg 1140	
11 CSR 45-5.184	Missouri Gaming Commission		47 MoReg 306	47 MoReg 1141	
11 CSR 45-5.190	Missouri Gaming Commission		47 MoReg 493	47 MoReg 1141	
11 CSR 45-5.210	Missouri Gaming Commission		47 MoReg 493	47 MoReg 1141	
11 CSR 45-5.215	Missouri Gaming Commission		47 MoReg 494	47 MoReg 1141	
11 CSR 45-5.225	Missouri Gaming Commission		47 MoReg 495	47 MoReg 1141	
11 CSR 45-5.265	Missouri Gaming Commission		47 MoReg 307	47 MoReg 1142	
11 CSR 45-9.104	Missouri Gaming Commission		47 MoReg 307	47 MoReg 1142	
11 CSR 45-9.108	Missouri Gaming Commission		47 MoReg 496	47 MoReg 1142	
11 CSR 45-9.118	Missouri Gaming Commission		47 MoReg 496	47 MoReg 1143	
11 CSR 45-9.119	Missouri Gaming Commission		47 MoReg 497	47 MoReg 1143	
11 CSR 45-9.121	Missouri Gaming Commission		47 MoReg 500	47 MoReg 1144	
11 CSR 50-2.080	Missouri State Highway Patrol		47 MoReg 626	This Issue	
11 CSR 50-2.150	Missouri State Highway Patrol		47 MoReg 627	This Issue	
11 CSR 50-2.170	Missouri State Highway Patrol		47 MoReg 627	This Issue	
11 CSR 50-2.320	Missouri State Highway Patrol		47 MoReg 628	This Issue	
11 CSR 70-2.010	Division of Alcohol and Tobacco Control		47 MoReg 310	47 MoReg 1015	
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		47 MoReg 311	47 MoReg 1016	
11 CSR 70-2.030	Division of Alcohol and Tobacco Control		47 MoReg 312	47 MoReg 1017	
11 CSR 70-2.050	Division of Alcohol and Tobacco Control		47 MoReg 313	47 MoReg 1017	
11 CSR 70-2.060	Division of Alcohol and Tobacco Control		47 MoReg 314	47 MoReg 1017	
11 CSR 70-2.070	Division of Alcohol and Tobacco Control		47 MoReg 315	47 MoReg 1018	
11 CSR 70-2.080	Division of Alcohol and Tobacco Control		47 MoReg 315	47 MoReg 1018	
11 CSR 70-2.090	Division of Alcohol and Tobacco Control		47 MoReg 316	47 MoReg 1018	
11 CSR 70-2.100	Division of Alcohol and Tobacco Control		47 MoReg 317	47 MoReg 1019	
11 CSR 70-2.120	Division of Alcohol and Tobacco Control		47 MoReg 874		
11 CSR 70-2.130	Division of Alcohol and Tobacco Control		47 MoReg 875		
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		47 MoReg 877		
11 CSR 70-2.150	Division of Alcohol and Tobacco Control		47 MoReg 879		
11 CSR 70-2.190	Division of Alcohol and Tobacco Control		47 MoReg 879		
11 CSR 70-2.280	Division of Alcohol and Tobacco Control		47 MoReg 881		
DEPARTMENT OF REVENUE					
12 CSR	Notice of Periodic Rule Review				47 MoReg 900
12 CSR 10-1.020	Director of Revenue		47 MoReg 317	47 MoReg 897	
12 CSR 10-26.231	Director of Revenue		47 MoReg 318	47 MoReg 898	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR	Notice of Periodic Rule Review				47 MoReg 900
13 CSR 65-2.020	Missouri Medicaid and Audit Compliance	47 MoReg 543	47 MoReg 574	This Issue	
13 CSR 70-3.030	MO HealthNet Division		This Issue		
13 CSR 70-3.180	MO HealthNet Division		46 MoReg 1675		
			47 MoReg 237		
13 CSR 70-3.320	MO HealthNet Division		47 MoReg 883		
13 CSR 70-4.051	MO HealthNet Division		47 MoReg 886R		
13 CSR 70-5.010	MO HealthNet Division		47 MoReg 886		
13 CSR 70-8.010	MO HealthNet Division		This Issue		
13 CSR 70-15.010	MO HealthNet Division	47 MoReg 927	47 MoReg 973		
13 CSR 70-15.015	MO HealthNet Division	47 MoReg 944	47 MoReg 990		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 70-15.110	MO HealthNet Division	47 MoReg 950	47 MoReg 996		
13 CSR 70-15.160	MO HealthNet Division	47 MoReg 956	47 MoReg 1002		
13 CSR 70-15.190	MO HealthNet Division	47 MoReg 1061	47 MoReg 1083		
13 CSR 70-15.220	MO HealthNet Division	47 MoReg 1062	47 MoReg 1085		
13 CSR 70-15.230	MO HealthNet Division	47 MoReg 960	47 MoReg 1006		
13 CSR 70-95.010	MO HealthNet Division		This Issue		
DEPARTMENT OF CORRECTIONS					
14 CSR	Notice of Periodic Rule Review				47 MoReg 900
ELECTED OFFICIALS					
15 CSR 30-14.010	Secretary of State		47 MoReg 886		
RETIREMENT SYSTEMS					
16 CSR 10-5.010	The Public School Retirement System of Missouri		This Issue		
16 CSR 10-5.020	The Public School Retirement System of Missouri		47 MoReg 829		
16 CSR 10-6.060	The Public School Retirement System of Missouri		This Issue		
16 CSR 10-6.070	The Public School Retirement System of Missouri		47 MoReg 832		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-4.010	Division of Senior and Disability Services		47 MoReg 331	47 MoReg 1019	
19 CSR 15-4.020	Division of Senior and Disability Services		47 MoReg 334	47 MoReg 1019	
19 CSR 15-4.040	Division of Senior and Disability Services		47 MoReg 335	47 MoReg 1020	
19 CSR 15-4.050	Division of Senior and Disability Services		47 MoReg 335	47 MoReg 1020	
19 CSR 15-4.060	Division of Senior and Disability Services		47 MoReg 337	47 MoReg 1020	
19 CSR 15-4.070	Division of Senior and Disability Services		47 MoReg 337	47 MoReg 1020	
19 CSR 15-4.080	Division of Senior and Disability Services		47 MoReg 338	47 MoReg 1020	
19 CSR 15-4.090	Division of Senior and Disability Services		47 MoReg 338	47 MoReg 1021	
19 CSR 15-4.100	Division of Senior and Disability Services		47 MoReg 339	47 MoReg 1021	
19 CSR 15-4.105	Division of Senior and Disability Services		47 MoReg 339	47 MoReg 1021	
19 CSR 15-4.110	Division of Senior and Disability Services		47 MoReg 340	47 MoReg 1021	
19 CSR 15-4.120	Division of Senior and Disability Services		47 MoReg 340	47 MoReg 1021	
19 CSR 15-4.130	Division of Senior and Disability Services		47 MoReg 341	47 MoReg 1021	
19 CSR 15-4.135	Division of Senior and Disability Services		47 MoReg 341	47 MoReg 1022	
19 CSR 15-4.140	Division of Senior and Disability Services		47 MoReg 341	47 MoReg 1022	
19 CSR 15-4.150	Division of Senior and Disability Services		47 MoReg 342	47 MoReg 1022	
19 CSR 15-4.160	Division of Senior and Disability Services		47 MoReg 342	47 MoReg 1022	
19 CSR 15-4.170	Division of Senior and Disability Services		47 MoReg 343	47 MoReg 1022	
19 CSR 15-4.175	Division of Senior and Disability Services		47 MoReg 344	47 MoReg 1023	
19 CSR 15-4.180	Division of Senior and Disability Services		47 MoReg 346	47 MoReg 1023	
19 CSR 15-4.190	Division of Senior and Disability Services		47 MoReg 346	47 MoReg 1023	
19 CSR 15-4.200	Division of Senior and Disability Services		47 MoReg 347	47 MoReg 1024	
19 CSR 15-4.210	Division of Senior and Disability Services		47 MoReg 348	47 MoReg 1024	
19 CSR 15-4.220	Division of Senior and Disability Services		47 MoReg 349	47 MoReg 1024	
19 CSR 15-4.230	Division of Senior and Disability Services		47 MoReg 349	47 MoReg 1024	
19 CSR 15-4.240	Division of Senior and Disability Services		47 MoReg 350	47 MoReg 1025	
19 CSR 15-4.245	Division of Senior and Disability Services <i>formerly 19 CSR 15-7.060</i>		47 MoReg 359	47 MoReg 1025	
19 CSR 15-4.250	Division of Senior and Disability Services		47 MoReg 352	47 MoReg 1026	
19 CSR 15-4.260	Division of Senior and Disability Services		47 MoReg 353	47 MoReg 1026	
19 CSR 15-4.270	Division of Senior and Disability Services		47 MoReg 353	47 MoReg 1026	
19 CSR 15-4.280	Division of Senior and Disability Services		47 MoReg 354	47 MoReg 1026	
19 CSR 15-4.290	Division of Senior and Disability Services		47 MoReg 354	47 MoReg 1026	
19 CSR 15-4.295	Division of Senior and Disability Services <i>formerly 19 CSR 15-7.050</i>		47 MoReg 358	47 MoReg 1027	
19 CSR 15-4.300	Division of Senior and Disability Services		47 MoReg 355	47 MoReg 1027	
19 CSR 15-4.410	Division of Senior and Disability Services <i>formerly 19 CSR 15-7.040</i>		47 MoReg 356	47 MoReg 1027	
19 CSR 15-4.440	Division of Senior and Disability Services <i>formerly 19 CSR 15-6.025</i>		47 MoReg 355	47 MoReg 1027	
19 CSR 15-6.020	Division of Senior and Disability Services		47 MoReg 355R	47 MoReg 1027R	
19 CSR 15-6.025	Division of Senior and Disability Services <i>moved to 19 CSR 15-4.440</i>		47 MoReg 355	47 MoReg 1027	
19 CSR 15-7.040	Division of Senior and Disability Services <i>moved to 19 CSR 15-4.410</i>		47 MoReg 356	47 MoReg 1027	
19 CSR 15-7.050	Division of Senior and Disability Services <i>moved to 19 CSR 15-4.295</i>		47 MoReg 358	47 MoReg 1027	
19 CSR 15-7.060	Division of Senior and Disability Services <i>moved to 19 CSR 15-4.245</i>		47 MoReg 359	47 MoReg 1025	
19 CSR 20-20.020	Division of Community and Public Health	47 MoReg 115 47 MoReg 621T	47 MoReg 124		
19 CSR 30-100.010	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 60-50	Missouri Health Facilities Review Committee				This Issue
19 CSR 60-50.300	Missouri Health Facilities Review Committee		47 MoReg 1097		
19 CSR 60-50.400	Missouri Health Facilities Review Committee		47 MoReg 1100		
19 CSR 60-50.410	Missouri Health Facilities Review Committee		47 MoReg 1106		
19 CSR 60-50.420	Missouri Health Facilities Review Committee		47 MoReg 1110		
19 CSR 60-50.430	Missouri Health Facilities Review Committee		47 MoReg 1110		
19 CSR 60-50.440	Missouri Health Facilities Review Committee		47 MoReg 1122		
19 CSR 60-50.450	Missouri Health Facilities Review Committee		47 MoReg 1122		
19 CSR 60-50.470	Missouri Health Facilities Review Committee		47 MoReg 1125		
19 CSR 60-50.500	Missouri Health Facilities Review Committee		47 MoReg 1128		
19 CSR 60-50.700	Missouri Health Facilities Review Committee		47 MoReg 1128		
19 CSR 60-50.800	Missouri Health Facilities Review Committee		47 MoReg 1137		
DEPARTMENT OF COMMERCE AND INSURANCE					
20 CSR	Applied Behavior Analysis Maximum Benefit				47 MoReg 385
20 CSR	Construction Claims Binding Arbitration Cap				47 MoReg 43
20 CSR	Non-Economic Damages in Medical Malpractice Cap				47 MoReg 385
20 CSR	Sovereign Immunity Limits				47 MoReg 43
20 CSR	State Legal Expense Fund Cap				47 MoReg 43
20 CSR 2010-2.065	Missouri State Board of Accountancy		47 MoReg 1233		
20 CSR 2010-5.070	Missouri State Board of Accountancy		47 MoReg 500	47 MoReg 1144	
20 CSR 2010-5.080	Missouri State Board of Accountancy		47 MoReg 500	47 MoReg 1144	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2010-5.090	Missouri State Board of Accountancy		47 MoReg 501R	47 MoReg 1145R	
20 CSR 2010-5.100	Missouri State Board of Accountancy		47 MoReg 501	47 MoReg 1145	
20 CSR 2010-5.110	Missouri State Board of Accountancy		47 MoReg 502	47 MoReg 1145	
20 CSR 2085-3.010	Board of Cosmetology and Barber Examiners		47 MoReg 630	47 MoReg 1240	
20 CSR 2110-2.050	Missouri Dental Board		47 MoReg 887		
20 CSR 2110-2.120	Missouri Dental Board		47 MoReg 580	47 MoReg 1145	
20 CSR 2110-2.240	Missouri Dental Board		47 MoReg 503	47 MoReg 1145	
20 CSR 2110-4.020	Missouri Dental Board		47 MoReg 503	47 MoReg 1145	
20 CSR 2145-1.040	Missouri Board of Geologist Registration		47 MoReg 784		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts	47 MoReg 621			
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		47 MoReg 887		
20 CSR 2165-2.025	Board of Examiners for Hearing Instrument Specialists		47 MoReg 888		
20 CSR 2165-2.040	Board of Examiners for Hearing Instrument Specialists		47 MoReg 889R		
20 CSR 2165-2.060	Board of Examiners for Hearing Instrument Specialists		47 MoReg 889		
20 CSR 2200-2.001	State Board of Nursing		47 MoReg 415	47 MoReg 1027	
20 CSR 2200-2.010	State Board of Nursing		47 MoReg 417	47 MoReg 1028	
20 CSR 2200-2.030	State Board of Nursing		47 MoReg 418	47 MoReg 1028	
20 CSR 2200-2.035	State Board of Nursing		47 MoReg 419	47 MoReg 1028	
20 CSR 2200-2.040	State Board of Nursing		47 MoReg 419	47 MoReg 1028	
20 CSR 2200-2.060	State Board of Nursing		47 MoReg 420	47 MoReg 1028	
20 CSR 2200-2.070	State Board of Nursing		47 MoReg 420	47 MoReg 1028	
20 CSR 2200-2.080	State Board of Nursing		47 MoReg 421	47 MoReg 1029	
20 CSR 2200-2.085	State Board of Nursing		47 MoReg 421	47 MoReg 1029	
20 CSR 2200-2.100	State Board of Nursing		47 MoReg 421	47 MoReg 1029	
20 CSR 2200-2.120	State Board of Nursing		47 MoReg 422	47 MoReg 1029	
20 CSR 2200-2.130	State Board of Nursing		47 MoReg 423	47 MoReg 1029	
20 CSR 2200-2.180	State Board of Nursing		47 MoReg 423	47 MoReg 1029	
20 CSR 2200-3.001	State Board of Nursing		47 MoReg 424	47 MoReg 1030	
20 CSR 2200-3.010	State Board of Nursing		47 MoReg 425	47 MoReg 1030	
20 CSR 2200-3.030	State Board of Nursing		47 MoReg 427	47 MoReg 1030	
20 CSR 2200-3.035	State Board of Nursing		47 MoReg 427	47 MoReg 1030	
20 CSR 2200-3.040	State Board of Nursing		47 MoReg 428	47 MoReg 1030	
20 CSR 2200-3.060	State Board of Nursing		47 MoReg 428	47 MoReg 1030	
20 CSR 2200-3.070	State Board of Nursing		47 MoReg 429	47 MoReg 1031	
20 CSR 2200-3.080	State Board of Nursing		47 MoReg 429	47 MoReg 1031	
20 CSR 2200-3.085	State Board of Nursing		47 MoReg 430	47 MoReg 1031	
20 CSR 2200-3.100	State Board of Nursing		47 MoReg 430	47 MoReg 1031	
20 CSR 2200-3.120	State Board of Nursing		47 MoReg 431	47 MoReg 1031	
20 CSR 2200-3.130	State Board of Nursing		47 MoReg 431	47 MoReg 1031	
20 CSR 2200-3.180	State Board of Nursing		47 MoReg 432	47 MoReg 1032	
20 CSR 2200-4.200	State Board of Nursing	47 MoReg 622			
20 CSR 2200-8.001	State Board of Nursing		47 MoReg 433	47 MoReg 1032	
20 CSR 2200-8.010	State Board of Nursing		47 MoReg 434	47 MoReg 1032	
20 CSR 2200-8.030	State Board of Nursing		47 MoReg 435	47 MoReg 1032	
20 CSR 2200-8.035	State Board of Nursing		47 MoReg 436	47 MoReg 1032	
20 CSR 2200-8.040	State Board of Nursing		47 MoReg 436	47 MoReg 1032	
20 CSR 2200-8.060	State Board of Nursing		47 MoReg 436	47 MoReg 1033	
20 CSR 2200-8.070	State Board of Nursing		47 MoReg 437	47 MoReg 1033	
20 CSR 2200-8.080	State Board of Nursing		47 MoReg 438	47 MoReg 1033	
20 CSR 2200-8.085	State Board of Nursing		47 MoReg 438	47 MoReg 1033	
20 CSR 2200-8.100	State Board of Nursing		47 MoReg 438	47 MoReg 1033	
20 CSR 2200-8.120	State Board of Nursing		47 MoReg 440	47 MoReg 1033	
20 CSR 2200-8.130	State Board of Nursing		47 MoReg 440	47 MoReg 1034	
20 CSR 2200-8.180	State Board of Nursing		47 MoReg 441	47 MoReg 1034	
20 CSR 2210-2.030	State Board of Optometry		47 MoReg 580	47 MoReg 1146	
20 CSR 2220-2.010	State Board of Pharmacy		47 MoReg 362	47 MoReg 1034	
20 CSR 2220-2.011	State Board of Pharmacy		47 MoReg 442	47 MoReg 1035	
20 CSR 2220-2.012	State Board of Pharmacy		47 MoReg 442	47 MoReg 1036	
20 CSR 2220-2.090	State Board of Pharmacy		47 MoReg 372	47 MoReg 1036	
20 CSR 2220-2.200	State Board of Pharmacy	47 MoReg 409	47 MoReg 444	47 MoReg 1037	
20 CSR 2220-2.400	State Board of Pharmacy	47 MoReg 965			
20 CSR 2220-2.685	State Board of Pharmacy		47 MoReg 835		
20 CSR 2220-7.010	State Board of Pharmacy		47 MoReg 890		
20 CSR 2220-7.030	State Board of Pharmacy		47 MoReg 891		
20 CSR 2230-2.010	State Board of Podiatric Medicine		47 MoReg 1139		
20 CSR 2230-2.030	State Board of Podiatric Medicine		47 MoReg 504	47 MoReg 1146	
20 CSR 2231-1.010	Division of Professional Registration		47 MoReg 835		
20 CSR 2231-2.010	Division of Professional Registration		47 MoReg 835		
20 CSR 2233-2.010	State Committee of Marital and Family Therapists		47 MoReg 1139		
20 CSR 2234-5.010	Board of Private Investigator and Private Fire Investigator Examiners		47 MoReg 892		
20 CSR 2250-8.070	Missouri Real Estate Commission		47 MoReg 633	This Issue	
20 CSR 2263-2.030	State Committee for Social Workers		47 MoReg 375	47 MoReg 898	
20 CSR 2263-2.031	State Committee for Social Workers		47 MoReg 892		
20 CSR 2263-2.050	State Committee for Social Workers		47 MoReg 375	47 MoReg 898	
20 CSR 2267-2.034	Office of Tattooing, Body Piercing, and Branding		47 MoReg 1233R		
20 CSR 4240-40.020	Public Service Commission		This Issue		
20 CSR 4240-40.030	Public Service Commission		This Issue		
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.075	Health Care Plan				47 MoReg 1038
22 CSR 10-3.075	Health Care Plan				47 MoReg 1038

Emergency Rule Table

Agency	Publication	Effective	Expiration
Department of Elementary and Secondary Education			
Divisional of Financial and Administrative Services			
5 CSR 30-660.090	Charter School Local Education Agency (LEA) Attendance Hour Reporting	47 MoReg 779	May 3, 2022Feb. 9, 2023
Department of Social Services			
Missouri Medicaid Audit and Compliance			
13 CSR 65-2.020	Provider Enrollment and Application	47 MoReg 543	March 30, 2022Sept. 26, 2022
MO HealthNet Division			
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Methodology	47 MoReg 927	July 1, 2022Feb. 23, 2023
13 CSR 70-15.015	Direct Medicaid Payments	47 MoReg 944	July 1, 2022Feb. 23, 2023
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	47 MoReg 950	July 1, 2022Feb. 23, 2023
13 CSR 70-15.160	Outpatient Hospital Services Reimbursement Methodology	47 MoReg 956	July 1, 2022Feb. 23, 2023
13 CSR 70-15.190	Out-of-State Hospital Services Reimbursement Plan	47 MoReg 1061	July 1, 2022Feb. 23, 2023
13 CSR 70-15.220	Disproportionate Share Hospital (DSH) Payments	47 MoReg 1062	July 1, 2022Feb. 23, 2023
13 CSR 70-15.230	Upper Payment Limit (UPL) Payment Methodology	47 MoReg 960	July 1, 2022Feb. 23, 2023
Department of Health and Senior Services			
Division of Regulation and Licensure			
19 CSR 20-20.020	Reporting Infectious, Contagious, Communicable, or Dangerous Diseases	Next Issue	Aug. 29, 2022Feb. 24, 2023
19 CSR 30-100.010	Newborn Safety Incubators	This Issue	Aug. 12, 2022Feb. 23, 2023
Department of Commerce and Insurance			
State Board of Registration for the Healing Arts			
20 CSR 2150-5.100	Collaborative Practice Arrangement with Nurses	47 MoReg 621	April 11, 2022Oct. 7, 2022
State Board of Nursing			
20 CSR 2200-4.200	Collaborative Practice	47 MoReg 622	April 11, 2022Oct. 7, 2022
State Board of Pharmacy			
20 CSR 2220-2.400	Compounding Standards of Practice	47 MoReg 965	June 21, 2022Dec. 17, 2022

**Executive
Orders****Subject Matter****Filed Date****Publication****2022**

22-05	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems.	July 26, 2022	This Issue
22-04	Declares a drought alert for 53 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee.	July 21, 2022	This Issue
Proclamation	In accordance with <i>Dobbs</i> , Section 188.017, RSMo is hereby effective as of the date of this order.	June 24, 2022	47 MoReg 1075
22-03	Terminates the State of Emergency declared in Executive Order 22-02.	February 7, 2022	47 MoReg 411
22-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems.	February 1, 2022	47 MoReg 304
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council.	January 7, 2022	47 MoReg 222

2021

21-13	Creates and establishes the Missouri Supply Chain Task Force.	November 22, 2021	47 MoReg 12
21-12	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government.	November 5, 2021	46 MoReg 2325
21-11	Orders state offices to be closed on Friday, November 26, 2021.	November 2, 2021	46 MoReg 2241
21-10	Orders steps to oppose federal COVID-19 vaccine mandates within all agencies, boards, commissions, and other entities within the executive branch of state government.	October 28, 2021	46 MoReg 2239
21-09	Terminates the state of emergency declared in Executive Order 20-02, declares a state of emergency, suspends certain regulations related to telemedicine and physical presence for executing documents, and allows state agencies to waive some regulatory requirements.	August 27, 2021	46 MoReg 1727
21-08	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	August 10, 2021	46 MoReg 1673
Proclamation	Convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursement Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet	June 22, 2021	46 MoReg 1447
21-07	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021	March 26, 2021	46 MoReg 750
21-06	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
21-05	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
21-04	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
21-03	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
21-02	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
21-01	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	46 MoReg 314

The rule number and the MoReg publication date follow each entry to this index.

ADMINISTRATION, OFFICE OF

leaves of absence; 1 CSR 20-5.020; 2/15/22, 7/15/22
procedures for solicitation, receipt of bids, and award and administration of contracts; 1 CSR 40-1.050; 4/15/22, 8/1/22
state official's salary compensation schedule; 1 CSR 10; 12/1/20

ACCOUNTANCY, MISSOURI STATE BOARD OF

administration; 20 CSR 2010-5.100; 4/1/22, 8/1/22
firms subject to peer review requirements; 20 CSR 2010-5.080; 4/1/22, 8/1/22
oversight; 20 CSR 2010-5.110; 4/1/22, 8/1/22
peer review requirements for renewal of a firm permit; 20 CSR 2010-5.090; 4/1/22, 8/1/22
peer review standards; 20 CSR 2010-5.070; 4/1/22, 8/1/22
requirements for licensure through reciprocity; 20 CSR 2010-2.065; 8/15/22

AGRICULTURE, DEPARTMENT OF

grain inspection and warehousing

preparation of financial statements;
2 CSR 60-4.110; 6/15/22
2 CSR 60-5.100; 6/15/22

state milk board

inspection fees; 2 CSR 80-5.010; 7/15/22
state milk board grade "A" milk policies; 2 CSR 80-2.190; 7/15/22

weights, measures and consumer protection

MO propane safety commission annual budget; 2 CSR 90; 8/1/22

AIR CONSERVATION COMMISSION

confidential information; 10 CSR 10-6.210; 2/15/22, 8/1/22

CERTIFICATE OF NEED PROGRAM

Missouri health facilities review committee; 19 CSR 60-050; 9/1/22

CLEAN WATER COMMISSION

construction and operating permits; 10 CSR 20-6.010; 8/1/22
storm water regulations; 10 CSR 20-6.200; 8/1/22

CONSERVATION, DEPARTMENT OF

bullfrogs and green frogs; 3 CSR 10-12.115; 4/1/22, 7/1/22
closed hours; 3 CSR 10-12.109; 4/1/22, 7/1/22
closings; 3 CSR 10-11.115; 9/1/22
commercial use; 3 CSR 10-11.111; 9/1/22
deer: antlerless deer hunting permit availability; 3 CSR 10-7.437; 7/1/22
deer: firearms hunting season; 3 CSR 10-7.433; 7/1/22
deer management assistance program; 3 CSR 10-7.600; 7/1/22
deer: special harvest provisions; 3 CSR 10-7.435; 7/1/22
dove hunting; 3 CSR 10-11.185; 9/1/22
elk: hunting season; 3 CSR 10-7.705; 5/2/22, 7/1/22
fishing, daily and possession limits; 3 CSR 10-12.140; 4/1/22, 7/1/22, 9/1/22
fishing, length limits;
3 CSR 10-11.215; 9/1/22
3 CSR 10-12.145; 4/1/22, 7/1/22, 9/1/22
fishing, methods; 3 CSR 10-12.135; 4/1/22, 7/1/22, 9/1/22
hunting and trapping; 3 CSR 10-12.125; 4/1/22, 7/1/22
quail hunting; 3 CSR 10-11.184; 9/1/22
use of boats and motors; 3 CSR 10-12.110; 4/1/22, 7/1/22, 9/1/22

CORRECTIONS, DEPARTMENT OF

notice of periodic rule review; 14 CSR; 7/1/22

COSMETOLOGY AND BARBER EXAMINERS, BOARD OF

fees; 20 CSR 2085-3.010; 8/15/22

DENTAL BOARD, MISSOURI

continuing dental education; 20 CSR 2110-2.240; 4/1/22, 8/1/22
dental assistants; 20 CSR 2110-2.120; 4/15/22, 8/1/22
licensure by examination—dental hygienists; 20 CSR 2110-2.050; 7/1/22
moderate sedation; 20 CSR 2110-4.020; 4/1/22, 8/1/22

ELECTED OFFICIALS

secretary of state

campaign contribution limits; 15 CSR 30-14.010; 7/1/22

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

division of financial and administrative services

audit policy and requirements; 5 CSR 30-4.030; 7/1/22
charter school local education agency (LEA) attendance hour reporting; 5 CSR 30-660.090; 6/1/22

division of learning services

certification requirements for initial administration certificate; 5 CSR 20-400.610; 8/1/22
general provisions governing the consolidated grants for the federal and state discretionary programs; 5 CSR 20-100.140; 3/15/22, 8/15/22
general provisions governing the consolidated grants under the elementary and secondary education act (ESEA); 5 CSR 20-100.130; 3/15/22, 8/15/22
training; 5 CSR 20-500.250; 6/1/22

office of childhood

general provisions governing programs authorized under the early childhood development act; 5 CSR 25-100.330; 8/1/22

ENERGY, DIVISION OF

certification of renewable energy and renewable energy standard compliance account; 10 CSR 140-8.010; 8/1/22
wood energy credit; 10 CSR 140-4.010; 7/1/22

EXAMINERS FOR HEARING INSTRUMENT SPECIALISTS, BOARD OF

application procedures; 20 CSR 2165-2.025; 7/1/22
hearing instrument specialist in training (temporary permits); 20 CSR 2165-2.010; 7/1/22
license renewal; 20 CSR 2165-2.060-7/1/22
licensure by reciprocity; 20 CSR 2165-2.040; 7/1/22

EXECUTIVE ORDERS

declares a drought alert for 53 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee; 22-04; 9/1/22
declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems; 22-05; 9/1/22
in accordance with Dobbs, section 188.017, RSMo is hereby effective as of the date of this order; 8/1/22

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

fees; 20 CSR 2145-1.040; 6/1/22

HAZARDOUS WASTE MANAGEMENT COMMISSION

online permit modifications list; 10 CSR 25-7; 8/1/22

HEALING ARTS, STATE BOARD OF REGISTRATION FOR THE

collaborative practice arrangements with nurses; 20 CSR 2150-5.100; 5/2/22

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

community and public health, division of

reporting infectious, contagious, communicable, or dangerous diseases; 19 CSR 20-20.020; 2/1/22, 5/2/22

Missouri health facilities review committee

additional information; 19 CSR 60-50.500; 8/1/22
application package; 19 CSR 60-50.430; 8/1/22

criteria and standards for equipment and new hospitals; 19 CSR 60-50.440; 8/1/22

criteria and standards for financial feasibility; 19 CSR 60-50.470; 8/1/22

criteria and standards for long-term care; 19 CSR 60-50.450; 8/1/22

definitions for the certificate of need process; 19 CSR 60-050.300; 8/1/22

letter of intent package; 19 CSR 60-50.410; 8/1/22

letter of intent process; 19 CSR 60-50.400; 8/1/22

meeting procedures; 19 CSR 60-500.800; 8/1/22

post-decision activity; 19 CSR 60-50.700; 8/1/22

review process; 19 CSR 60-50.420; 8/1/22

senior and disability services, division of

administration of the older americans act; 19 CSR 15-4.020; 3/1/22, 7/15/22

affirmative action/equal employment opportunity preference hiring; 19 CSR 15-4.120; 3/1/22, 7/15/22

appeal to the assistant secretary; 19 CSR 15-4.090; 3/1/22, 7/15/22

area agency on aging advisory council; 19 CSR 15-4.110; 3/1/22, 7/15/22

area agency on aging advocacy responsibility; 19 CSR 15-4.180; 3/1/22, 7/15/22

area agency on aging development of a comprehensive and coordinated service delivery system; 19 CSR 15-4.190; 3/1/22, 7/15/22

area agency on aging director; 19 CSR 15-4.135; 3/1/22, 7/15/22

area agency on aging election procedures for governing body membership; 19 CSR 15-4.105; 3/1/22, 7/15/22

area agency on aging fiscal management; 19 CSR 15-4.170; 3/1/22, 7/15/22

area agency on aging governing body; 19 CSR 15-4.100; 3/1/22, 7/15/22

area agency on aging grievance procedures; 19 CSR 15-4.210; 3/1/22, 7/15/22

area agency on aging nutrition services incentive program; 19 CSR 15-4.250; 3/1/22, 7/15/22

area agency on aging plan; 19 CSR 15-4.140; 3/1/22, 7/15/22

area agency on aging staff; 19 CSR 15-4.130; 3/1/22, 7/15/22

area agency on aging subgrants or contracts; 19 CSR 15-4.200; 3/1/22, 7/15/22

area agency on aging technical assistance, monitoring and evaluation responsibilities; 19 CSR 15-4.220; 3/1/22, 7/15/22

definition of terms; 19 CSR 15-4.010; 3/1/22, 7/15/22

designation of area agencies on aging; 19 CSR 15-4.070; 3/1/22, 7/15/22

division formal hearings; 19 CSR 15-4.440; 3/1/22, 7/15/22

19 CSR 15-6.025; 3/1/22, 7/15/22

division mediation procedures; 19 CSR 15-6.020; 3/1/22, 7/15/22

funding for establishment, maintenance, modernization, acquisition, or construction of multipurpose senior centers; 19 CSR 15-4.175; 3/1/22, 7/15/22

funding formula and fiscal management; 19 CSR 15-4.050; 3/1/22, 7/15/22

information and assistance; 19 CSR 15-4.290; 3/1/22, 7/15/22

information and assistance service standards; 19 CSR 15-4.295; 3/1/22, 7/15/22

19 CSR 15-7.050; 3/1/22, 7/15/22

legal assistance; 19 CSR 15-4.270; 3/1/22, 7/15/22

multipurpose senior center; 19 CSR 15-4.230; 3/1/22, 7/15/22

nutrition services requirements; 19 CSR 15-4.240; 3/1/22, 7/15/22

nutrition service standards; 19 CSR 15-4.245; 3/1/22, 7/15/22

19 CSR 15-7.060; 3/1/22, 7/15/22

ombudsman services; 19 CSR 15-4.280; 3/1/22, 7/15/22

outreach services; 19 CSR 15-4.260; 3/1/22, 7/15/22

record keeping and confidentiality; 19 CSR 15-4.300; 3/1/22, 7/15/22

review, submission and approval of area agency on aging area plans and plan amendments; 19 CSR 15-4.160; 3/1/22, 7/15/22

state long-term care ombudsman program; 19 CSR 15-4.060; 3/1/22, 7/15/22

state plan; 19 CSR 15-4.040; 3/1/22, 7/15/22

transportation service standards; 19 CSR 15-4.410; 3/1/22, 7/15/22

19 CSR 15-7.040; 3/1/22, 7/15/22

waivers; 19 CSR 15-4.150; 3/1/22, 7/15/22

withdrawal of designation; 19 CSR 15-4.080; 3/1/22, 7/15/22

HIGHER EDUCATION AND WORKFORCE DEVELOPMENT, DEPARTMENT OF

educational credit for military training or service; 6 CSR 10-13.010; 5/2/22, 8/15/22

state authorization reciprocity agreement; 6 CSR 10-12.010; 5/2/22, 9/1/22

INSURANCE

applied behavior analysis maximum benefit; 20 CSR; 3/1/22

construction claims binding arbitration cap; 20 CSR; 1/3/22

non-economic damages in medical malpractice cap; 20 CSR; 3/1/22

sovereign immunity limits; 20 CSR; 1/3/22

state legal expense fund; 20 CSR; 1/3/22

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

agreement for consent election; 8 CSR 40-2.180; 4/1/22, 9/1/22

contents of petitions; 8 CSR 40-2.030; 4/1/22, 9/1/22

contents of petition for decertification; 8 CSR 40-2.040; 4/1/22, 9/1/22

definitions; 8 CSR 40-2.010; 4/1/22, 9/1/22

election procedure; 8 CSR 40-2.160; 4/1/22, 9/1/22

evidence of occupational disease exposure for first responders; 8 CSR 50-5.007; 2/1/22, 7/1/22

general organization; 8 CSR 40-1.010; 4/1/22, 9/1/22

governing rules; 8 CSR 20-2.010; 3/15/22, 7/15/22

hearings; 8 CSR 40-2.140; 4/1/22, 9/1/22

initial action; 8 CSR 40-2.100; 4/1/22, 9/1/22

intervention; 8 CSR 40-2.130; 4/1/22, 9/1/22

list of employees; 8 CSR 40-2.120; 4/1/22, 9/1/22

notices of election; 8 CSR 40-2.150; 4/1/22, 9/1/22

number of copies of petition to be filed; 8 CSR 40-2.060; 4/1/22, 9/1/22

petition for amendment of certification; 8 CSR 40-2.055; 4/1/22, 9/1/22

petition for unit certification; 8 CSR 40-2.050; 4/1/22, 9/1/22

petitions for certification or decertification; 8 CSR 40-2.020; 4/1/22, 9/1/22

practice by a licensed attorney, when required; 8 CSR 40-2.025; 4/1/22, 9/1/22

processing of petition; 8 CSR 40-2.080; 4/1/22, 9/1/22

review of awards or orders issued by administrative law judges; 8 CSR 20-3.030; 3/15/22, 7/15/22

runoff election; 8 CSR 40-2.170; 4/1/22, 9/1/22

validity of showing of interest; 8 CSR 40-2.070; 4/1/22, 9/1/22

withdrawal or dismissal of petition; 8 CSR 40-2.090; 4/1/22, 9/1/22

MARITAL AND FAMILY THERAPISTS, STATE COMMITTEE OF

educational requirements; 20 CSR 2233-2.010; 8/1/22

MENTAL HEALTH, DEPARTMENT OF certification standards

assertive community treatment (ACT) in community psychiatric rehabilitation programs; 9 CSR 30-4.0432; 4/15/22

eligibility criteria and admission criteria for community psychiatric rehabilitation programs; 9 CSR 30-4.005; 4/15/22, 8/15/22

eligibility determination, assessment, and treatment planning in community psychiatric rehabilitation programs; 9 CSR 30-4.035; 4/15/22, 8/15/22
integrated treatment for co-occurring disorders (ITCD) in community psychiatric rehabilitation programs; 9 CSR 30-4.0431; 4/15/22, 8/15/22
intensive community psychiatric rehabilitation (ICPR); 9 CSR 30-4.045; 4/15/22, 8/15/22
outpatient mental health treatment programs; 9 CSR 30-4.190; 4/15/22, 8/15/22
psychosocial rehabilitation (PSR) in community psychiatric rehabilitation programs; 9 CSR 30-4.046; 4/15/22, 8/15/22
service provision, staff qualifications, and documentation requirements for community psychiatric rehabilitation programs; 9 CSR 30-4.043; 4/15/22, 8/15/22
director, department of mental health
exceptions committee procedures; 9 CSR 10-5.210; 8/15/22
privacy rule of the health insurance portability and accountability act (HIPPA); 9 CSR 10-5.220; 4/15/22, 8/15/22
report of events; 9 CSR 10-5.206; 4/15/22, 8/15/22

MISSOURI CONSOLIDATED HEALTH CARE PLAN

review and appeals procedure;
22 CSR 10-2.075; 7/15/22
22 CSR 10-3.075; 7/15/22

MO HEALTHNET DIVISION

copayment for pharmacy services; 13 CSR 70-4.051; 7/1/22
direct medicaid payments; 13 CSR 70-15.015; 7/15/22
disproportionate share hospital (DSH) payments; 13 CSR 70-15.220; 8/1/22
electronic visit verification (EVV); 13 CSR 70-3.320; 7/1/22
federal reimbursement allowance (FRA); 13 CSR 70-15.110; 7/15/22
inpatient hospital services reimbursement methodology; 13 CSR 70-15.010; 7/15/22
limitations on payment of out-of-state nonemergency medical services; 13 CSR 70-3.120; 2/15/22, 6/1/22
nonemergency medical transportation (NEMT) services; 13 CSR 70-5.010; 7/1/22
out-of-state hospital services reimbursement plan; 13 CSR 70-15.190; 8/1/22
outpatient hospital services reimbursement methodology; 13 CSR 70-15.160; 7/15/22
private duty nursing; 13 CSR 70-95.010; 9/1/22
program of all-inclusive care for the elderly; 13 CSR 70-8.010, 9/1/22
provider enrollment and application; 13 CSR 65-2.020; 9/1/22
[sanctions] administrative actions for improperly paid, false, or fraudulent claims for mo healthnet services; 13 CSR 70-3.030; 9/1/22
[supplemental] upper payment limit (UPL) payment methodology; 13 CSR 70-15.230; 7/15/22

NURSING, STATE BOARD OF

administrator/faculty;
20 CSR 2200-2.060; 3/15/22, 7/15/22
20 CSR 2200-3.060; 3/15/22, 7/15/22
20 CSR 2200-8.060; 3/15/22, 7/15/22
approval;
20 CSR 2200-2.010; 3/15/22, 7/15/22
20 CSR 2200-3.010; 3/15/22, 7/15/22
20 CSR 2200-8.010; 3/15/22, 7/15/22
change of sponsorship;
20 CSR 2200-2.030; 3/15/22, 7/15/22
20 CSR 2200-3.030; 3/15/22, 7/15/22
20 CSR 2200-8.030; 3/15/22, 7/15/22
clinical experiences;
20 CSR 2200-2.080; 3/15/22, 7/15/22
20 CSR 2200-3.080; 3/15/22, 7/15/22
20 CSR 2200-8.080; 3/15/22, 7/15/22
collaborative practice; 20 CSR 2200-4.200; 5/2/22

definitions;
20 CSR 2200-2.001; 3/15/22, 7/15/22
20 CSR 2200-3.001; 3/15/22, 7/15/22
20 CSR 2200-8.001; 3/15/22, 7/15/22
educational program;
20 CSR 2200-2.100; 3/15/22, 7/15/22
20 CSR 2200-3.100; 3/15/22, 7/15/22
20 CSR 2200-8.100; 3/15/22, 7/15/22
licensure examination performance;
20 CSR 2200-2.180; 3/15/22, 7/15/22
20 CSR 2200-3.180; 3/15/22, 7/15/22
20 CSR 2200-8.180; 3/15/22, 7/15/22
multiple campuses;
20 CSR 2200-2.035; 3/15/22, 7/15/22
20 CSR 2200-3.035; 3/15/22, 7/15/22
20 CSR 2200-8.035; 3/15/22, 7/15/22
physical facilities and instructional resources;
20 CSR 2200-2.070; 3/15/22, 7/15/22
20 CSR 2200-3.070; 3/15/22, 7/15/22
20 CSR 2200-8.070; 3/15/22, 7/15/22
preceptors;
20 CSR 2200-2.085; 3/15/22, 7/15/22
20 CSR 2200-3.085; 3/15/22, 7/15/22
20 CSR 2200-8.085; 3/15/22, 7/15/22
program changes requiring board approval, notification, or both;
20 CSR 2200-2.040; 3/15/22, 7/15/22
20 CSR 2200-3.040; 3/15/22, 7/15/22
20 CSR 2200-8.040; 3/15/22, 7/15/22
program evaluation;
20 CSR 2200-2.130; 3/15/22, 7/15/22
20 CSR 2200-3.130; 3/15/22, 7/15/22
20 CSR 2200-8.130; 3/15/22, 7/15/22
publications;
20 CSR 2200-2.120; 3/15/22, 7/15/22
20 CSR 2200-3.120; 3/15/22, 7/15/22
20 CSR 2200-8.120; 3/15/22, 7/15/22

OPTOMETRY, STATE BOARD OF

license renewal; 20 CSR 2210-2.030; 4/15/22, 8/1/22

PHARMACY, STATE BOARD OF

compounding standards of practice; 20 CSR 2220-2.400; 7/15/22
electronic final product verification (pharmacists); 20 CSR 2220-2.011; 3/15/22, 7/15/22
general licensing rules; 20 CSR 2220-7.010; 7/1/22
pharmacist-in-charge; 20 CSR 2220-2.090; 3/1/22, 7/15/22
pharmacist licensure by examination; 20 CSR 2220-7.030; 7/1/22
pharmacy standards of operation; 20 CSR 2220-2.010; 3/1/22, 7/15/22
standards of operation for a class Q: charitable pharmacy; 20 CSR 2220-2.685; 6/15/22
sterile compounding; 20 CSR 2220-2.200; 3/15/22, 7/15/22
technology assisted prescription/medication order verification (intern pharmacists and pharmacy technicians); 20 CSR 2220-2.012; 3/15/22, 7/15/22

PODIATRIC MEDICINE, STATE BOARD OF

biennial license renewal; 20 CSR 2230-2.030; 4/1/22, 8/1/22
licensure by examination; 20 CSR 2230-2.010; 8/1/22

PRIVATE INVESTIGATOR AND PRIVATE FIRE INVESTIGATOR EXAMINERS, BOARD OF

examination; 20 CSR 2234-5.010; 7/1/22

PROFESSIONAL REGISTRATION, DIVISION OF

designation of license renewal dates and related renewal information; 20 CSR 2231-2.010; 6/15/22
general organization; 20 CSR 2231-1.010; 6/15/22

PUBLIC SAFETY, DEPARTMENT OF

notice of periodic rule review; 11 CSR; 7/1/22

alcohol and tobacco control, division of

all licensees; 11 CSR 70-2.140; 7/1/22
 application for license; 11 CSR 70-2.020; 3/1/22, 7/15/22
 change of facts, posting, transfer, and lost licenses—executors—administrators; 11 CSR 70-2.030; 3/1/22, 7/15/22
 definitions; 11 CSR 70-2.010; 3/1/22, 7/15/22
 [guidelines] standards for using minors in intoxicating liquor investigations; 11 CSR 70-2.280; 7/1/22
 malt liquor tax; 11 CSR 70-2.080; 3/1/22, 7/15/22
 manufacturers; 11 CSR 70-2.060; 3/1/22, 7/15/22
 report of brewers and beer wholesalers; 11 CSR 70-2.100; 3/1/22, 7/15/22
 report of brewers, beer manufacturers, solicitors, and beer wholesalers; 11 CSR 70-2.100; 3/1/22, 7/15/22
 reports of distillers, solicitors, wine manufacturers, and wholesalers; 11 CSR 70-2.090; 3/1/22, 7/15/22
 reporting distillers, solicitors, wine manufacturers, and wholesalers; 11 CSR 70-2.090; 3/1/22, 7/15/22
 retail licensees; 11 CSR 70-2.120; 7/1/22
 retailer's conduct of business; 11 CSR 70-2.130; 7/1/22
 tax credit and refunds; 11 CSR 70-2.150; 7/1/22
 tax on spirituous liquor and wine; 11 CSR 70-2.070; 3/1/22, 7/15/22
 unlawful discrimination and price scheduling; 11 CSR 70-2.190; 7/1/22
 wholesalers' conduct of business; 11 CSR 70-2.050; 3/1/22, 7/15/22

Missouri gaming commission

cashless, promotional, and bonusing system; 11 CSR 45-5.215; 4/1/22, 8/1/22
 definitions; 11 CSR 45-1.090; 4/1/22, 8/1/22
 dice—receipt, storage, inspections, and removal from use; 11 CSR 45-5.265; 3/1/22, 8/1/22
 integrity of electronic gaming devices; 11 CSR 45-5.210; 4/1/22, 8/1/22
 minimum internal control standards (MICS)—chapter D; 11 CSR 45-9.104; 4/1/22, 8/1/22
 minimum internal control standards (MICS)—chapter H; 11 CSR 45-9.108; 4/1/22, 8/1/22
 minimum internal control standards (MICS)—chapter R; 11 CSR 45-9.118; 11/1/21, 4/1/22, 8/1/22
 minimum internal control standards (MICS)—chapter S; 11 CSR 45-9.119; 11/1/21, 4/1/22, 8/1/22
 minimum internal control standards (MICS)—chapter U; 11 CSR 45-9.121; 11/1/21, 4/1/22, 8/1/22
 minimum standards for electronic gaming devices; 11 CSR 45-5.190; 4/1/22, 8/1/22
 request for approval of gaming devices and associated equipment and system; 11 CSR 45-5.225; 4/1/22, 8/1/22
 table game cards—receipt, storage, inspections, and removal from use; 11 CSR 45-5.184; 3/1/22, 8/1/22

Missouri state highway patrol

air and vacuum brake system; 11 CSR 50-2.170; 5/2/22, 9/1/22
 brake performance; 11 CSR 50-2.150; 5/2/22, 9/1/22
 licensing of inspector/mechanics; 11 CSR 50-2.080; 5/2/22, 9/1/22
 school bus inspection; 11 CSR 50-2.320; 5/2/22, 9/1/22

PUBLIC SERVICE COMMISSION

incident, annual, and safety-related condition reporting requirements; 20 CSR 4240-40.020; 9/1/22
 safety standards—transportation of gas by pipeline; 20 CSR 4240-40.030; 9/1/22

REAL ESTATE APPRAISERS

examination; 20 CSR 2234-5.010; 7/1/22

REAL ESTATE COMMISSION

advertising; 20 CSR 2250-8.070; 9/1/22

REGULATION AND LICENSURE, DIVISION OF

newborn safety incubators; 19 CSR 30-100.010; 9/1/22

RETIREMENT SYSTEMS

disability retirement;
 16 CSR 10-5.020; 6/15/22
 16 CSR 10-6.070; 6/15/22
 service retirement;
 16 CSR 10-5.010; 9/1/22
 16 CSR 10-6.060; 9/1/22

REVENUE, DEPARTMENT OF

letter rulings; 12 CSR 10-1.020; 3/1/22, 7/1/22
 maximum dealer administrative fees; 12 CSR 10-26.231; 3/1/22, 7/1/22
 notice of periodic rule review; 12 CSR; 7/1/22

SOCIAL SERVICES, DEPARTMENT OF

provider enrollment and application; 13 CSR 65-2.020; 4/15/22, 9/1/22
 notice of periodic rule review; 13 CSR; 7/1/22

SOCIAL WORKERS, STATE COMMITTEE FOR

acceptable supervisors and supervisor responsibilities; 20 CSR 2263-2.031; 7/1/22
 application for licensure as a social worker; 20 CSR 2263-2.050; 3/1/22, 7/1/22
 supervised licensed social work experience; 20 CSR 2263-2.030; 3/1/22, 7/1/22

STATE PARKS

camping and recreational activities; 10 CSR 90-2.030; 9/1/22
 definitions; 10 CSR 90-2.010; 9/1/22
 organized group camps; 10 CSR 90-2.050; 9/1/22

TATTOOING, BODY PIERCING, AND BRANDING, OFFICE OF

issuance of temporary courtesy license to nonresident military spouse; 20 CSR 2267-2.034; 8/15/22

TRANSPORTATION, MISSOURI DEPARTMENT OF

appeals; 7 CSR 10-25.090; 7/15/22
 application for a self-insurer status; 7 CSR 265-10.035; 7/15/22
 application for international fuel tax agreement license; 7 CSR 10-25.071; 7/15/22
 apportion registration pursuant to the international registration plan; 7 CSR 10-25.030; 7/15/22
 approval; 7 CSR 60-3.010; 6/15/22
 approval procedure; 7 CSR 60-2.020; 6/15/22
 breath alcohol ignition interlock device security; 7 CSR 60-2.050; 6/15/22
 definitions;
 7 CSR 10-25.070; 7/15/22
 7 CSR 60-2.010; 6/15/22
 description, organization, and information; 7 CSR 10-1.010; 4/15/22
 device suspension and decertification; 7 CSR 60-2.060; 6/15/22
 investigation and audits; 7 CSR 10-25.080; 7/15/22
 marking of vehicles; 7 CSR 265-10.025; 7/15/22
 oversize/overweight permits; 7 CSR 10-25.020; 8/15/22
 procedures for solicitation, receipt of bids, and award and administration of contracts; 7 CSR 10-11.020; 4/15/22
 records of the division; 7 CSR 265-10.017; 7/15/22
 responsibilities of manufacturers; 7 CSR 60-2.040; 6/15/22
 skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 7/15/22
 standards and specifications; 7 CSR 60-2.030; 6/15/22
 subpoenas; 7 CSR 10-1.020; 7/15/22

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